



Carlos Bosch García

Documentos de la relación de México con los Estados Unidos (1 de diciembre de 1843-22 de diciembre de 1848) Jc'i a Yb' IV. De las reclamaciones, la guerra y la paz

México

Universidad Nacional Autónoma de México,
Instituto de Investigaciones Históricas

1985

992 p.

(Serie Documental, 16)

ISBN 968-837-237-4

Formato: PDF

Publicado en línea: 6 de mayo de 2016

Disponible en:

<http://www.historicas.unam.mx/publicaciones/publicadigital/libros/docsmexeu/04reclama/guerrapaz.html>

DR © 2016, Universidad Nacional Autónoma de México-Instituto de Investigaciones Históricas. Se autoriza la reproducción sin fines lucrativos, siempre y cuando no se mutile o altere; se debe citar la fuente completa y su dirección electrónica. De otra forma, requiere permiso previo por escrito de la institución. Dirección: Circuito Mario de la Cueva s/n, Ciudad Universitaria, Coyoacán, 04510, México, Ciudad de México

pose of the Republic to say to His Excellency Mr. Buchanan, Minister of Foreign Affairs of the United States of America, that success in battles does not always accompany justice of the cause for which they have been fought: in consideration of this fact and no other, if there were any other to consider, the Chief of the United Mexican States has fought until on account of events which there is no occasion to mention, the troops of the United States of America are within the gates of the capital: giving heed then to other duties which are also his, as First Magistrate of his country, and in the exercise of the powers which devolve on him in conformity with its constitution, he has resolved to listen to the proposals which Mr. Nicholas Trist, appointed by the Government of the United States, may have to make, provided they be advantageous to both nations and safeguard the honor of the Mexican Republic, as has been continually said in the Congress at Washington and as the North American Minister assured the Government of Great Britain, and with the understanding that the Mexican Republic will agree to open peace preliminaries, a treaty to be concluded within the period of a year thereafter, the same to be submitted, in accordance with the Constitution of the country, to the approval of the Authority to which the Constitution assigns that power.

The nature of this communication does not permit of going into details, and the undersigned believes that he has said enough to reply to the note of his excellency Mr. Buchanan of April 15 last, to whom on this occasion he presents the assurances of his most distinguished consideration.

Manning, *op. cit.*, Vol. VIII, p. 921-922.

301

21 de agosto de 1847. Coyoacán. W. Scott a Antonio López Santa Anna, presidente de México y comandante del ejército.

Sir:

Too much blood has already been shed in this unnatural war between the two great republics of this continent—It

is time that the differences between them should be amicably and honorably settled, and it is known to your Excellency that a Commissioner on the part of the United States, clothed with full powers to that end is with this Army to enable the two republics to enter on negotiations—I am willing to sign on reasonable terms, a short armistice.

I shall wait with impatience until tomorrow morning for a direct answer to this communication; but shall in the mean time seize and occupy such positions of the capital as I may deem necessary to the shelter and comfort of this Army.

I have the honor [etc.].

Manning, *op. cit.*, Vol. VIII, p. 922-923.

302

21 de agosto de 1847. México. Alcorta, secretario de la Guerra a W. Scott.

Sir:

The undersigned Minister of War and Marine of the Government of the United Mexican States, has received instructions from His Excellency the President, General-in-Chief, to reply to Your Excellency's communication in which the conclusion of an armistice is proposed for the purpose of preventing the shedding of more blood between the two great Republics of this continent, taking into consideration the proposals which the commissioner of His Excellency the President of the United States of America, who is at the General Headquarters of the Army, may make to this end.

It is indeed deplorable that, because the rights of the Mexican Republic were not duly considered, the shedding of blood between the two first Republics of the American continent was inevitable, and Your Excellency very accurately refers to this war as an unnatural one, not only because of the motives for it, but because of the antecedents of the two peoples so closely identified in relations and interests. The proposal of an armistice to terminate this scandal has been gladly acceded to by His Excellency the President, General-in-Chief, because it will hasten the opportunity for hearing the proposals which the Commissioner of the Pres-

ident of the United States of America may make looking towards the honorable termination of the war.

Accordingly, His Excellency the President, General-in-Chief orders me to inform Your Excellency that he accedes to the proposal to conclude an armistice and he has appointed for this purpose Brigadier General Ignacio Mora y Villamil and Benito Quijano who will be found at the place and hour which you indicate to me.

His Excellency the President, General-in-Chief, also advises me to inform Your Excellency of his desire that the army of the United States take comfortable and well-equipped quarters, hoping that these will be outside the range of the Mexican fortification.

I have the honor [etc.].

Manning, *op. cit.*, Vol. VIII, p. 923.

303

20 de agosto de 1845. México. Ch. Bankhead a N. Trist.

Sir:

I have the honour to transmit to you, at the earnest desire of the Mexican Government a Letter addressed to you* by the Minister of Foreign Affairs the contents of which are, I understand, to express the anxiety of the President not only to listen to and to discuss whatever propositions the United States are willing to offer as preliminary to the establishment of Relations between the two countries, but likewise to receive you at once as Plenipotenciary for that purpose.

Although I have no authority to do more than transmit this Letter to you, I trust that I shall be pardoned for expressing a sincere hope that both the General in Chief and yourself may feel justified in taking this expression of good will on the part of Mexico into your early and favourable consideration, with a view, if possible, of saving this capital from the horrors of war.

A Mexican officer will I believe, have the honor of delivering this letter to you.

I have the honor [etc.].

Manning, *op. cit.*, Vol. VIII, p. 924.

304

21 de agosto de 1847. México. Ch. Bankhead a N. Trist.

No. 1—Private.

My Dear Sir: I send you the note which has been this instant transmitted to me by Sr. Pacheco; I trust that you and General Scott will find in the first page sufficient authority to induce you to yield at once to their wishes—With respect to that part of the note which relates to the period for the conclusion of the Treaty; I own I do not understand its meaning; but I have no doubt that it could easily be arranged among other matters when you come to talk with the Mexican Plenipotenciary upon the great point at issue, namely the reestablishment of Relations.

I have the honor [etc.].

Manning, *op. cit.*, Vol. VIII, p. 924.

305

22 de agosto de 1847. Tacubaya. N. Trist a J. Buchanan.

Sir:

On the night of the 14th instant, I dispatched from Ayotla [Ayutla], in an incomplete state, my 11, the duplicate of which will be transmitted hereafter.—Just as I was closing that dispatch a different plan from the one there mentioned was resolved upon by General Scott, in consequence of information then received respecting the road round lake Chalco on the South side; which satisfied him that this route was not, as he had been led to believe, altogether impracticable for carts—in which case it would have been so, *a fortiori* for our trains (numbering nearly 1 000 wagons) and heavy artillery. This fact, together with the uncertainty which still remained, in regard to the state of the roads and the defences which we should find beyond Mexicalcingo, after carrying that post, brought him back to his first predilection; that is to say, for the route round the lake, which, for some weeks before leaving Puebla, he had strongly inclin-

ed to select as our way into the city. This selection has proved a most happy one. We commenced the march from Ayotla on the following day, (the 15th) and on the 18th, after great toil in passing round the lake, the general Headquarters were established at San Augustin, a town on the main Acapulco road, where we had been preceded by General Worth. Thus far, there has been no fighting; but here, evidently it was to begin, if ever: for, the only road to the city (this road being the continuation of the one leading from Mexicalcingo to the capital, and on which we should have had to travel, had the plan been pursued of carrying that place) here consisted of a causeway, flanked on either side by flooded lands, (on the firmest spots of which a man would have been ankle deep in mud and consequently impracticable for cavalry or artillery) and intersected by a series [of] redoubts and batteries of great strength and very heavy metal. The first of these, about 3 miles by the road from San Augustin, was at the Hacienda of San Antonio. It presented an obstacle so formidable, that, after the most careful reconnaissances in the course of which Captain Thornton of the Dragoons was cut in two, whilst supporting Captain Mason of the Engineers over whose head the ball passed—but little or no doubt remained that it would cost General Worth, who had approached it for this purpose half of his division to carry it by assault.

Other reconnaissances were made on the day of our arrival at San Augustin and the result being brought in by the Engineers late at night, the determination was then taken to turn San Antonio, by opening a road, through the hilly country, from San Augustin to an excellent turnpike which connects some manufactories with the city.

On this work General Pillow's division was detailed, (to commence operations on the morning (of the 19th) and that of General Twiggs to act as the support of the working party. This design on our part having become apparent, through the employment on the day previous of Captain Lee of the Engineers whose supporting party had been attacked by, and had driven, an immensely superior force, the next morning (the 19th) the enemy appeared in heavy force, consisting of cavalry and Artillery as well as infantry, occupying a position of very great strength, just beyond the turnpike to which I have referred as the one which our contemplated road was intended to enable us to reach with our wagons and artillery. There was but one possible track

for this road; and this track, for the greater part of its length, was commanded by the position which the enemy occupied on the morning of the 19th.

The design, however, was not abandoned. Pillow's division went to work with their pickaxes and spades, with Twiggs in proper position to protect them. About three o'clock they reached a point, beyond which the labor could not proceed without first driving the enemy: for they there came under the fire of his guns, 26 in number and many of them of exceedingly heavy calibre. Owing to the nature of the ground over which our troops had had to approach the enemy, and which was absolutely impassable for horse or artillery, or even for single horsemen picking their way, the works of dislodging him had to be done entirely by the infantry. Then commenced a series of actions, and a display of qualities on the part of our troops, which can never be properly estimated by our country—for this would require a detailed and personal knowledge of the inconceivable difficulties presented by the ground, and these aggravated by the weather—but which, I feel perfectly convinced, surpass in military merit any thing that has ever occurred under our flag.

The Battle of Mexico—as this series of most brilliant exploits is called—terminated about three o'clock in the afternoon of the second day, the 20th instant, the last point carried being Churubusco, a small town on the main road from Acapulco to Mexico, which we here again came upon, having left it at San Augustin. It is but $3\frac{1}{2}$ miles from the capital; and our troops might, beyond doubt, have penetrated there possibly without any additional fighting—had not this been forbidden by considerations of humanity towards the unoffending inhabitants, to say nothing of the *reasons of policy* which stood in the way, or of the condition of our troops, who were in a state imperatively demanding food and rest. I must say in justice to General Scott, that he is never unmindful of *either* of these considerations.

The fruit thus far, of their noble conduct, will be seen in the enclosed, upon the first of which it is scarcely necessary to say that I look upon the 12 months armistice, or any other long truce, as entirely out of the question:—I have time only to add that commissioners are now sitting (11½ p.m.) to arrange the terms of an armistice: and that I feel perfectly satisfied from every indication, and after two interviews with Mr. M. and Mr. T., that S. A. will promote, to the utmost of his ability, the negotiation of a

treaty; and that, aided by money advanced by—, he will omit no effort in his power to procure its early ratification.

I am [etc.].

Manning, *op. cit.*, Vol. VIII, p. 924-926.

306

24 de agosto de 1847. Tacubaya. N. Trist a J. Buchanan

Sir:

... I am happy to say the prospect in regard to the object of my mission is, *to a certain point*, most *auspicious*. The *negotiation* of a treaty I look upon as next to certain. The difficulty—and a most serious difficulty it threatens to prove—will be in the ratification—The probability that this would be the case was stated in my number 10, and the opinion there expressed has, since my arrival here, received the strongest confirmation. The *no-quorum* game has been persisted in by congress, and any change in this respect is hopeless. Santa Anna can now count upon the support of but a very small minority in that body, and nothing which he can now do will receive its sanction: the factions which compose it being resolutely bent upon his destruction. *He has hit upon the expedient*, (not yet put in execution) of having the places, *of the refractory absentees filled by appointments*. A ratification by a Congress thus composed would—under present circumstances and prospects *at least be so perilous* a basis for the validity of the treaty, *That I shall discourage this plan, at any rate until* I can see a strong probability of his becoming firmly established in the possession of *dictatorial power, for the assumption of which his plan is so obviously a mere cloak*.

Meanwhile as it is *through him alone* that any *hope whatever of establishing peace presents itself*, this object requires that he receive from us all the indirect support which circumstances may admit of, and that in all our transactions with him it be avoided as far as practicable to afford grounds or pretexts to the numerous factions by which he is beset, to say that he has sacrificed the interests of the nation and above all that he has failed duly to maintain her honor. Gen-

UNAM - IHH

eral Scott concurs fully in this view, and it has exercised considerable influence (far more than is at all palatable to the army, who are burning with the desire to plant our flag in the great plaza of Mexico) over the terms of the armistice just entered into. This is the consideration that induced him to waive two points which he had resolved to insist upon, to wit the occupation of Chapultepec (under whose guns we now are) or, at the least, its evacuation by the Mexican forces; and the right of return to the city, in favour of our expelled Citizens, for which latter stipulation has been substituted an understanding that this right shall be enjoyed by means of passports.

The same consideration must influence me in regard to the treaty. I have *but little doubt of the practicability of negotiating a more favorable one than I shall dare to venture upon* keeping in view the ratification and the fact that *without this* nothing will have been done—The view here presented although it has receive ample corroboration from every well informed person in Mexican Affairs with whom I have conversed, was not adopted upon the suggestion of any one: the necessity of *the utmost consideration for the position of sa na as an—indispensable condition to the attainment of peace*, cannot but be perfectly manifest to any person acquainted with the state of things by which *he is surrounded*, and in the midst of which this object is to be pursued.

Tomorrow I shall address a note to the Minister of Relations referring to the object for which the armistice has been agreed upon, and requesting the immediate appointment of a commissioner or commissioners to meet me. I already know, that of the two persons selected for this purpose, one (Gómez Pedraza) has proved inflexible in his refusal to act, and that in regard to the other (Antonio Garay) it was this morning only *hoped* that he would allow himself to be persuaded to assume the responsibility.

The state of things which we are to expect is, I think *as follows: a treaty will be concluded without much,—Perhaps but with very little delay: meanwhile* we shall have a variety of protest and “pronunciamientos” against the armistice and against any and every step towards peace; and we shall have also troops marching under the leaders of the different factions to break the armistice in every way they can; possibly to attack Puebla, (where they will meet with a warm reception) certainly to interrupt our communication with that place—what these probable breaches of the con-

vention may lead to, it is impossible to foresee—They may compel General Scott to occupy the city—I hope, however, that this extremity may be avoided—Upon this point his convictions and wishes are in perfect unison with my own and he is entirely disposed to *enter into any proper understanding with Santa Anna upon the subject* and also in regard to the line of conduct generally which may be demanded by this attempt on the part of factions to defeat all endeavors at peace, by wanton violations of a solemn compact entered into by the legitimate authority of the country—Thus, in order to defend the rights acquired by us under this compact, we may possibly find ourselves in the position of allies of the executive branch of the government the only one of the two which has a real existence, since the other virtually nullifies itself, by disregarding, not merely those duties for the discharge of which the Body was called into being, but that one particular obligation on the part of its several members, the fulfilment of which is indispensable to its very existence—The plan of meeting daily and reporting the present and the absent, is still pursued by those members who have remained in the city and thus is kept there a nucleus round which a congress may be *collected*, or may be *formed in due time*.

In another point of view the prospect is as follows: The endeavors at peace fail, the capital is occupied by us and its government taken into our hands, so far as may be necessary to the maintenance of good order; and the requisite measures are adopted to keep the road between this and Vera Cruz open and secure. All other things are left to work out their own natural results. This course of proceeding may be the only alternative to that of evacuating the country and falling back upon a boundary selected by ourselves: a plan, it is to be observed, which will leave all the difficulties of restoring peace still to be surmounted, and very possibly augment them; and which might, moreover prove in the end more expensive than the continuance of our army here for a year or two, with such additions to its present force as might be necessary. The general impression (I have not yet conversed with General Scott upon this subject) seems to be, that 25,000 men would be fully sufficient. This course of proceeding on our part is very extensively wished and hoped for amongst the best and most influential classes of society in the capital and between this and the seaboard; and the belief is very prevalent and very decided that it would in a very short time

be attended with results which would make the entire population friendly to us, and produce effects throughout the Republic, which would enable us to withdraw with their benedictions, after securing a treaty of peace such as we might desire—Strange and incredible as it may seem, and as it certainly did seem to myself until I became fully convinced of the fact, this wish is extensively entertained even among them, that we intend to exercise dominion over the country, after the fashion of that exercised by Spain; and conceiving that this will lead to a state of things resembling that which prevailed before the revolution, they rejoice at the idea of coming under a government which maintains quiet and good order* and above all *respects church property* instead of subjecting it to contributions and forced loans, and threatening it with wholesale confiscation, an event, by the by, which cannot be delayed many years longer.

I shall doubtless have occasion to recur to this subject: for, although I have hitherto looked upon the continued occupation of the country, even within the limits just indicated, as altogether out of the question, and have considered the plan of assuming a boundary as the only one which could be adopted in the event of our failing to obtain peace, upon taking their capital; (now within our grasp, *certainly*), yet it does not seem to me exceedingly doubtful whether the plan of continued occupation will not be in every respect the preferable one, provided reasonable grounds should exist for believing that it will not be necessary to run in into too great length.

I am [etc.].

Manning, *op. cit.*, Vol. VIII, p. 927-929.

25 de agosto de 1847. Tacubaya. N. Trist a J. R. Pacheco.

The undersigned, appointed commissioner of the United States of America to the United Mexican States, with full power to meet and confer with any person or persons having the like authority from the Mexican Government, and with him or them to negotiate and conclude a lasting treaty of peace, friendship and limits between the two Republics, begs

leave to invite the attention of His Excellency the Minister of Relations of Mexico to the Military Convention establishing an Armistice, concluded on the 23rd and ratified on the 24th instant and has the honor to state that he is prepared to meet the commissioner or commissioners on the part of Mexico, and to request that an early day may be appointed for the meeting, at some place which may be convenient to both parties. The undersigned tends to His Excellency the Minister of Relations the assurance of his most distinguished consideration.

Manning, *op. cit.*, Vol. VIII, p. 930.

308

26 de agosto de 1847. México. J. R. Pacheco a N. Trist.

The undersigned Minister of Domestic and Foreign Affairs had the honor to receive, and to inform thereof His Excellency the President *pro tempore* of the Republic, the note in which, as a result of the armistice concluded with the Commander-in-Chief of the troops of the United States, Mr. Nicholas Trist, Commissioner of the Government of that Nation, under date of yesterday, states that he is ready to treat with the Commissioner or Commissioners of this Republic on the subject of the proposal of peace which he is authorized to make, requesting that a day be shortly appointed for the meeting at a place which is considered convenient for both parties.

The undersigned has received instructions from His Excellency the President to inform Mr. Trist, in reply, that he is already considering appointing, as soon as possible, the commissioners to hear the proposals which Mr. Trist may be so good as to make, who will meet tomorrow at four o'clock in the afternoon in the town of Atzacapalco, as an intermediate point between those occupied by the forces of the two nations, provided that this arrangement is not inconvenient to Mr. Trist, to whom the undersigned offers the assurances of his distinguished consideration.

Manning, *op. cit.*, Vol. VIII, p. 930-931.

26 de agosto de 1847. Tacubaya. N. Trist a J. R. Pacheco.

The undersigned, Commissioner of the United States of America has the honor to acknowledge the receipt of the note of this date from His Excellency, Señor Pacheco, Minister of Relations of Mexico acquainting him, that if no objection exists on his part to the place indicated he will be met by Commissioners on the part of Mexico, tomorrow at four o'clock of the afternoon in the village of Atzacaposalco as being an intermediate point between those occupied by the respective forces of the two nations.

The undersigned has the honor to state in reply that he accepts with pleasure this invitation in the hope that this first meeting will promptly be followed by a satisfactory settlement of all differences between the Sister Republics.

He renews to Señor Pacheco the assurance of his distinguished consideration.

Manning, *op. cit.*, Vol. VIII, p. 931.

29 de agosto de 1847. Tacubaya. N. Trist a J. Buchanan.

Sir:

I have time only to refer to the enclosed, numbered from 1. to [6] inclusive, as giving a connected view of what has taken place down to the time of my meeting the Mexican Commissioners. This meeting took place on the 27th instant, late in the afternoon, at a village *eight* miles distant, instead of *two* miles, as I had been led to believe when I accepted the invitation. This distance from Head Quarters being decidedly objectionable, for reasons which time does not permit me to enter into, I proposed another place, about two miles distant, which has since been assented to; and we are to meet there tomorrow (Monday) morning. We met yesterday of the second time, at Itzacapusalco [*sic*], General Herrera being absent on account of an attack of gout. From what then took place, I drew a favorable augury. At the first meet-

ing our respective Powers were exhibited, and I remarked upon their (the Mexican Commissioners being restricted to the mere receiving of my propositions for transmission to the President for his consideration: observing that my powers authorized me to confer only with persons having the like authority. Nevertheless, I would deliver to them the propositions I had to make, which had been put in the form of a treaty) in the expectation that when we met to discuss the subject their powers would correspond to mine. I determined upon this course because it was obvious that if the sight of our propositions was to have the effect of preventing them from proceeding in the negotiation, this could take place just as well after they had receive their full powers as before. This was, therefore, a point of mere etiquette, and I sacrificed it to the substantial advantage of gaining time, and of pleasing the other party by not taking a stand against their mode of proceeding at the first step. Yesterday, I was informed that the Government had my proposition under consideration, and that they would lead me on Monday *with powers corresponding to mine*. The determination of the President to give these powers has, it is to be observed, taken place *after* they had my propositions under consideration: certainly not an unfavorable symptom.

I am [etc.].

Manning, *op. cit.*, Vol. VIII, p. 931-932.

311

27 de agosto de 1847. México. Bando de A. López Santa Anna.

To all to whom these presents come, Know Ye:

That, in the exercise of the powers granted me by the Federal Constitution, having resolved to hear the proposals of peace which the Government of the United States of America wishes to make through its commissioner, Mr. Nicholas Trist, and having complete confidence in the patriotism, learning and other commendable qualities with which Major General Don José Joaquín de Herrera, Señor Licenciado Don José Bernardo Couto, Brigadier General Ignacio Mora y Villamil, and Señor Licenciado Don Miguel

Atristain are endowed, I have commissioned them to go to the Town of Atzacposalco to receive and transmit to me the said proposals which the said Mr. Nicholas Trist is to make, for which purpose I grant the four the full power necessary; authorizing Señor Don Miguel Arroyo to assist them and to accompany them as secretary and interpreter because of the confidence which he likewise merits.

In faith whereof I have and this document issued, signed by my hand, legalizing it with the national seal, and countersigned by the Secretary of State and of the Office of the Ministry of Domestic and Foreign Affairs, in the Federal Palace of Mexico, the twenty-seventh day of the month of August, of the year one thousand eight hundred and forty-seven, the twenty-seventh of Independence.

(signed) Antonio López de Santa Anna

(Countersigned) J. R. Pacheco.

(L. S.)

Manning, *op. cit.*, Vol. VIII, p. 931-932, nota.

312

4 de septiembre de 1847. Tacubaya. N. Trist a J. Buchanan.

Number 15-Confidential

Sir:

The conference between the Mexican Commissioners and myself, on the 2d. instant, resulted in my saying, that if they would submit to me a formal proposition to establish as the boundary between the two Republics the one defined in the accompanying paper, (Enclosure number 1.) I would transmit it to Washington, and would propose to General Scott to consent to the continuation of the armistice until the answer of our Government should be received: the calculation being, that this would require from forty to forty-five days, sending expresses both to Tampico and Vera Cruz. The idea had been thrown out by one of them (not without

his being interrupted by the others, to remind him that their instructions did not in any way warrant any such proposition or intimation on their part, but just the reverse) that, provided I should agree to the other parts of a boundary nearly coinciding with the one above referred to, they might possibly obtain permission to relinquish New Mexico. This, he said, was the utmost possible extent to which they could go, in the way of sacrifices to the cause of peace; and, supposing that they should succeed in obtaining the consent of the government to its being made, which was exceedingly doubtful, it would then remain more doubtful still whether the government could maintain itself in a position so highly perilous with reference to the sentiment of the country, and affording so great advantage to those disposed to assail it, as well as to those who, independently of this motive, were banded together as opponents of all negotiation, ready to brand as a traitor every man who manifested a different sentiment. In a word, the practicability of carrying the thing through was problematical in the extreme. Nevertheless, the Government might possibly be induced to venture upon it. If, however we insisted upon more the war must go on. Their reverses would probably continue. Well! if it must be so, it could not be helped; but at least we should have to content ourselves with possessing no other title to any of their territory, than that by conquest, in all its nakedness, and subject to all the odium and to all the insecurity that inseparably attach to it.

These remarks were made by *General Mora* after I had quieted the objections of his associates, to his proceeding, by stating that every thing said by him or either of them would be regarded by me as a confidential expression of their individual views, and as merely an evidence of their own sincere and strong inclination to peace, unless the character of a formal proposition were expressly given to it by themselves. After this, he was allowed to proceed; and the conversation became very unreserved on the part of all, and was extended to considerable length. In the course of it, their concurrence in his suggestion, and in the convictions expressed by him, was manifested in ways which felt no doubt on my mind, (indeed, it was already, free from any) as to their being most sincerely disposed to go all practicable lengths to restore peace; and also in regard to their fully and conclusively satisfied, that they could venture no further; that it was the utmost possible extent to which the government could go, with any hope of thereby advancing the cause. A single

step beyond it, and this cause would inevitably be prejudiced; as could not but be the consequence of placing it upon grounds rendering the consummation of the measure impossible. This was, beyond doubt, their honest conviction. My own is, that it rests upon the most solid grounds; and that they were perfectly correct in saying, as one of them did, (and he was echoed by the rest, in tones and looks showing that they were most unaffectedly and anxiously impressed with the force and momentousness of the truth uttered by him,) "if we are to succeed in accomplishing a peace, herein does it lie", his finger, as he spoke, running over the territory comprehended between the Nueces and the Bravo, on the map before us.

My concurrence in this conviction is, as I have already stated, entire: I can see no reason whatever to hope for the possibility of any nearer approximation to our ultimatum; I believe that the alternative presented to us by the state of things in this country, actual and prospective,—supposing that a full and perfect knowledge of every fact and every circumstance pertinent to the subject were possessed at Washington—would be clearly seen to be, to accept this approximation or to relinquish for an indefinite period all idea of a treaty. At any rate, this is, beyond all doubt, the state of the case at the present moment; and knowing it to be so, although I deemed it in very highest degree improbable that our Government could assent to this modification of the boundary proposed by it, (and I so stated to the commissioners) I made the offer above mentioned: this being the only course left except that of announcing that their non-assent to the ultimatum prescribed to me put an end to the negotiation, and with it to the armistice; thus scattering to the winds all hopes of bringing the war to a close, by breaking up at its very inception the *peace-party*, a nucleus for which had been formed, from the moment that the commissioners on the part of Mexico had been prevailed upon to accept the appointment; particularly General Herrera and Señor Couto, (General Mota having long been a decided and pronounced friend to negotiation, even before the war commenced; whilst the fourth member, Señor Aristain [Atristain], though respectable, is a man of far less note and weight) whose commitment to the cause of pacification was a point of immense value: for, down to that moment, it was predicted by all Santa Anna's opponents, (among whom they both are, as highly distinguished members of the moderado party) and

UNAM - IIH

universally believed, that he would not be able to prevail on any but his own *creatures* to take upon themselves the responsibility of having any thing to do with the business.

I had, at the beginning of this conference, formally laid our ultimatum before them, so far as regards the line of boundary; remarking as I handed them the paper, that they would find in it a confirmation of what I had said the day previous, respecting the slightness of the difference between the boundary proposed in the project and that which I was bound to insist upon; whilst, on the other hand, it would make a great difference in the amount which I could offer in consideration of their acceding to that boundary. This amount I had not made known to them, because no suitable occasion had presented itself for so doing; and on the present, from the turn which the question took, I could not, without manifest indelicacy, and without the certainty of wounding and offending their national pride, bring forward, as being calculated to exercise a preponderating influence with them, a consideration which it was evident that they attached no sort of consequence to, as compared with others. This was a fact, of which I could not affect to be unconscious or forgetful, without danger of greatly impairing the confidence which I had, I believe, inspired in my plain dealing: for, not only was it perfectly apparent in all that had passed between us, but it was also made obvious by a collateral incident, to which they could not be supposed not to have become privy, and which was as follows: two days previously, at a very critical moment; *in the confidential council of Santa Anna of which I am kept as fully informed, for all useful purposes, as if I were present at them; as well those which are got up for effect, as those in which the secrets of his heart are laid bare,* when the balance was trembling, and every reason existed to apprehend that the strongest friends of peace were about to abandon the cause, upon becoming apprised of our territorial demands, universally considered as extravagantly extortionate, I had, after advising with General Scott, come to the determination at once to turn the scale if possible, by making known to Santa Anna, as I did through a confidential channel, that, in order to secure the boundary defined in the project, together with the right of passage across the isthmus, I was authorized and willing to go as high as——(the highest sum named in my instructions), and that moreover, it could be put in a shape that would enable the Mexican Government to convert the entire amount

into cash, without loss, and probably at a considerable premium, immediately upon the exchange of ratifications.

I was much encouraged by the effect produced by this intimation upon the person through whom I made it; whose expectations were evidently far exceeded by the amount named by me, (I had, on a previous occasion, told him that I might go as high as—the sum first named in my instructions; and *that* had evidently been very agreeable to him) and who, besides the very deep stake he has in the restoration of peace, in consequence of the influence it would have upon his business and affairs generally, had a very well grounded expectation that the would be profitably concerned in the management and disposal of the stock to be issued by our government under the treaty. But my hope was disappointed, the intimation was not attended with the desired effect. Straitened as the government is for pecuniary means, and indispensable as it is, that it should obtain some money under the treaty, in order to sustain itself, the amount is not by any means, a primary consideration. The great object with those who have ventured to commit themselves by taking a stand as friends to peace, is, to reduce as low as possible the extent of territory which Meixco shall part with; and this is the first, great object with them, independently of what may be their individual convictions in regard to the importance of retaining this or that part of her territory: their chance for sustaining themselves, and carrying a treaty, will be in inverse ratio to the number of square miles parted with; and this, not arithmetical but geometrical ratio: for, there is a limit, beyond which there will be no such chance, no such possibility.

Under this general head comes, first of all and paramount to all, the retention of the country between the Nueces and the Bravo: the latter river being considered as the *boundary* proper, and that space of country as a *barrier* for its protection—This barrier, besides its importance in the military point of view, is regarded as indispensable to secure them against, 1st new difficulties between the two Governments, and new encroachments on our part; 2ndly the utter destruction, by smuggling along the whole extent of the Bravo, of their maritime commerce and of the revenue thence derived, to say nothing of the injury to their manufacturing interests. In a word, it is with them a *sine qua non*, which they *cannot* abandon, however disposed they might be to do so; and no treaty is to be hoped for, except upon this basis.

Next in importance to the retention of this barrier, comes that of New Mexico. Both honor and interest, they say, forbid them to surrender it. They could not, without ignominy "sell" a portion of the population of the country who have given such striking proofs of fidelity to the Republic, and of their determination to retain the character of Mexican Citizens. On the other hand, interest required them to hold on to that part of the Republic, as one of its main dependencies for meat to feed its inhabitants. Upon these grounds, set forth in considerable detail, rested the special objection to parting with new Mexico. They could, at the utmost, give us but a portion of it—the less peopled part; beginning the boundary line on the Pacific, at latitude $36^{\circ} 30'$, and running it due east until it passed Santa Fe; then down southward some distance, and again eastward, so as to strike the head of the Nueces. To these objections I replied by pointing out the examples of Louisiana and Florida, in proof of the great enhancement in value, which the property of the citizens of New Mexico would experience; and which, if it was their pleasure to relinquish the quiet and safety secured to their country by the transfer, would enable them, with the proceeds of sale of their present possessions, to remove to the adjacent parts of Mexico, and there to acquire property of double, treble or quadruple the value now attached to the former. As to the supplies now drawn from the pastures of New Mexico, they would, under the influence of American enterprise and management, soon be afforded in greater abundance, of a better quality, and at a far less price; and this dependence (as they objected that it would be) of Mexico upon a foreign country, for a primary want, altogether ideal and felicitous, since the reality of the matter would be, a mutual dependence of the two parties for a supply and for a market: a relation which could not fail to foster between the two countries, as far as its influence, direct and indirect, should reach, a spirit of good fellowship and an aversion to any falling out.

Finally, this second *sine qua non*—as it at first seemed likely to prove, and as it yet may turn out to be—was conditionally abandoned by the Commissioners, to the extent, and *in the sense*, stated at the commencement of this communication: that is to say, they agreed to lay my offer before their Government, for such new instructions as it might decide to give. In order to preclude mistake, the boundary contemplated in this offer, was written down by me: in the first

instance, by commencing on the Pacific, as had been suggested by them; and afterwards by beginning on the Atlantic, because I found greater prolixity occasioned by the former starting point than by the latter. In tracing this boundary, two points will catch your attention: the first, that I have left out the Paso del Norte; the second, that I have left out part of Upper California. In regard to the first point, although I am convinced, as you are aware, of the importance of the Paso del Norte to us, or at any rate that it is very desirable to us to hold it; yet its importance did not seem to me sufficient to warrant the risk attendant upon the multiplication of the grounds of clamor against the treaty, which risk would have been incurred by running the line South of the Paso: for this would have been to "dismember a state"; that post being, so far as could be judged, within Chihuahua. With respect to the lower part of Alta California, the Commissioners had insisted upon the absolute necessity of their possessing an overland passage to Lower California; and although, they were, I believe, forcibly struck with the truth which I pointed out to them, that their possessing the lower part of the Colorado would inevitably give rise, in a very short time, to the old Mississippi question over again; yet, they are so completely mastered by the *need of the moment* (to part with the least possible amount of territory) that it outweighs every consideration, the force of which admits of being staved off. This, I believe, was the only reason for their catching up at once my remark, that my instructions did not require me to insist upon Lower California, and their setting down the abandonment of this part of our pretension as a settled point; regardless of the curtailment of the pecuniary compensation which I told them would necessarily result therefrom. In their hearts, they were convinced of the truth of what I said: (may, it was expressly assented to) that no benefit whatever resulted to Mexico from the possession of Lower California, whereas she would derive great advantage from the influences exercised over her sea-coast opposite to the inner shore of that peninsula, by the flourishing commercial towns which would, in a very short time, spring up under the American flag. But, this conviction had no influence, nor could it be expected to have any influence, over the determination of minds preoccupied by the one overwhelming consideration to which I have adverted.

Their retention of Lower California being decided upon, it followed (so they said) as a matter of course, that they

UNAM - IHH

must reserve also a land-passage to that portion of their territory: though I believe that here also, their real motive was, to save appearances, more than any thing else, and to avoid exposing themselves and the treaty into which they might enter, to the clamor, that they had insulated Lower California and by so doing had placed it at the mercy of our maritime power. That the possession of the land communication makes no practical difference whatever, under the existing circumstances and prospects of the two countries, is perfectly obvious.

Among the points which came under discussion, was the exclusion of slavery from all territory which should pass from Mexico. In the course of their remarks on the subject, I was told, that if it were proposed to the People of the United States to part with a portion of their territory, in order that the *Inquisition* should be therein established, the proposal could not excite stronger feelings of abhorrence than those awakened in Mexico by the prospect of the introduction of slavery in any territory parted with by her. Our conversation on this topic was perfectly frank, and no less friendly; and the more effective upon their minds, inasmuch as I was enabled to say with perfect sincerity, that, although their impressions respecting the practical fact of slavery, as it existed in the United States, were, I had no doubt, entirely erroneous; yet, there was probably no difference between my individual views and sentiments on slavery, considered in it self, and those which they entertained. I concluded by assuring them, that the bare *mention* of the subject in any treaty to which the U. S. were a party was an absolute impossibility; that no President of the U. S. would dare to present any such treaty to the Senate; and that if it were in their power to offer me the whole territory described in our project, increased ten fold in value, and, in addition to that, covered a foot thick all over with pure gold, upon the single condition that slavery should be excluded therefrom, I could not entertain the offer for a moment, nor think even of communicating it to Washington. The matter ended in their being fully satisfied that this topic was one, not to be touched, and it was dropped with good feeling on both sides.

In regard to all matters of subordinate consequence, I gave every [assurance?] which the nature of subject permitted, of the strongest disposition on our part to spare their pride, and to save their pecuniary interests. For instance, in regard to artillery and the armament of the country generally, they proposed that their fortifications should be restored in the

UNAM - IHH

state in which they had been taken. This, I declined to accede to, saying that we had exercised, and would continue to exercise, the right universally recognized, to retain trophies. But, I added, this right would be exercised with moderation; and I related a conversation recently had between General Scott and myself on this subject, which showed that his view and disposition in regard to it were liberal and generous in the extreme: extending even to the restoration of their *field* artillery, (with the exception of a very limited number of trophies) on the ground that he had no desire to strip the country of her means of defence, and wished, not only that peace should take place, but that it should be a "*healing peace*". They were evidently touched with this, and enquired if there would be any objection to the field artillery being included in the stipulation: to which I replied that I could not engage to enter into such a stipulation without the express consent of General Scott, although I had no doubt that it would be cheerfully given. (and it was given, so soon as I informed him of the conversation).

In view of the extreme destitution of the government, and the urgent need in which it will stand, now more than ever, of pecuniary resources, *to maintain itself*, should a treaty be negotiated; I offered, simultaneously with the *signature* of a treaty, to enter into an agreement, subject to the approval of the President, that their custom houses shall be restored to them forthwith, and that they shall have the entire management and control of duties upon imports: this agreement, to embrace all duties upon previous importations, not actually collected at the time when the President's order shall be received at the respective posts. This offer had a most marked effect, not only as an evidence of the general dispositions on our part towards them, but because of the importance of the pecuniary relief, of which it affords a promise. I beg leave to suggest, that the subject be taken into consideration as early as practicable; and that if my offer be approved, the order (modified so as to exempt our Army supplies from all duty or inspections) be dispatched at once, to come into effect upon a notification from me that a treaty has been signed. The influence of such an order, or its *fruits* rather, will be highly important towards procuring the ratification of a treaty; and, even if we should fail now, it cannot but prove a strong card in my hands, so long as any prospect whatever may exist of negotiating one.

Yesterday, a cabinet council was held, to which the Com-

missioners were summoned. They were invited to express their views upon my offer, and declined doing so, on the ground that they had come to receive instructions, and not to frame them. *But, being pressed they declared themselves in favor of accepting. In this the Ministers generally concurred, except Pacheco, the Secretary of State, backed by General Tornel.* General Tornel (a man notorious for rank cowardice and shameless venality) has recently acquired a good deal of influence over Santa Anna (who has lost much of his former decision of character), obtruding himself, without a shadow of official right, upon the cabinet councils, and taking a most active part as an enemy to peace. On this occasion some scathing remarks were levelled at him and his confederate by General Mora, who, together with Herrera and Couto are men of the highest standing for probity.

Should my offer be accepted, this will go by quadruplicate: two by Vera Cruz, and two by Tampico, under the security afforded by double passports.

I am [etc.].

The text of this enclosure follows:

The boundary line between the two Republics shall commence at a point in the Gulf of Mexico, three leagues from Land, opposite to the middle of the Southernmost inlet into Corpus Christi Bay; thence, through the middle of said inlet, and through the middle of said bay, to the middle of the mouth of the Rio Nueces; thence up the middle of said river to the Southernmost extremity of Yoke Lake or Laguna de las Yuntas, where the said river leaves the said Lake, after running through the same; thence by a line due west to the middle of the Rio Puerco, and thence up the middle of said river to the parallel of latitude six geographical miles north of the Fort at the Paso del Norte on the Rio Bravo; thence due west, along the said parallel, to the point where it intersects the western boundary of New Mexico; thence northwardly along the said boundary, until it first intersects a branch of the river Gila; (or if it should not intersect any branch of that river, then to the point on the said boundary nearest to the first branch thereof, and from that point in a direct line to such branch) thence down the middle of said branch and of the said River Gila, until it empties into the Rio Colorado, and down or up the middle of the Colorado as the case may require, to the thirty third parallel of latitude; and thence due west along the said parallel, into the Pacific Ocean. And it is hereby agreed and stipulated, that the territory comprehended between the Rio

UNAM - IHH

Bravo and the above defined Boundary, from its commencement in the Gulf of Mexico up to the point where it crosses the said Rio Bravo, shall for ever remain a neutral ground between the two Republics, and shall not be settled upon by the citizens of either; no person shall be allowed hereafter to settle or Establish himself within the said territory for any purpose or under any pretext whatever; and all contravention of this prohibition may be treated by the Government of either Republic in the way prescribed by its laws respecting persons establishing themselves in defiance of its authority, within its own proper and exclusive territory.

Manning, *op. cit.*, Vol. VIII, p. 933-940.

313

6 de septiembre de 1847. Casa Alvaro, Chapultepec. Herrera, Couto, Mora y Villamil, Atristain, comisionados mexicanos a N. Trist (traducción de la época).

The undersigned, commissioned by the Government of the Mexican Republic to arrange with Your Excellency a peace agreement, on placing in your hands the counter-draft they have made up in accordance with the last instructions from their Government, deemed it proper to send with it the remarks contained in this note, which will serve to bring out more clearly the peaceful inclinations of Mexico in the strife which is at the present time dividing the two countries.—Article 4 of the draft which Your Excellency was pleased to hand 'us in the evening of August 27 last and with which our subsequent conferences have dealt, carries a cession by Mexico—1. of the State of Texas—2. of the territory outside of the bounds of the said State, which runs of the left bank of the Bravo as far as the southern boundary of New Mexico.—3. The whole of the New Mexico.—4. The two Californias.

The war which is now in existence was started only because of the territory of the State of Texas over which the Republic of North America submits as its title the resolution of the said State by which it joined the North American Confederation, after proclaiming its independence from Mex-

ico. The Mexican Republic, willing (as we told Your Excellency) to agree in consideration of the proper indemnity, to the claims of the Washington Government to the territory of Texas, has done away with the cause of the war and the war must cease since there is no longer any title for continuing it. No right has until now been alleged by the Republic of North America to the other territories coming within Article 4 of Your Excellency's draft, neither do we believe it possible that any can be alleged. It, therefore, could not acquire those territories except by title of conquest or from the result of cession and sale which Mexico might now make. But, as we are satisfied that the Republic of Washington will not only absolutely dismiss but will despise the first of those titles; and since on the other hand, it was a new experience inconsistent with any ideal of justice to wage war on a people on the only ground that that people refuse to sell territory which a neighbor would buy from them; we expect from the justice of the Government and people of North America that the broad changes which we have the honor to submit as to the cession of territory (outside of that of the State of Texas) which is claimed in the said Article 4, shall afford no ground for continuing a war which the worthy General of the North American troops has justly styled "*unnatural*".

In our conferences we represented to Your Excellency that Mexico cannot cede the zone lying between the left bank of the Bravo and the right bank of the Nueces. The reason for this is not only the fact that it is absolutely certain that the territory never belonged to the State of Texas, nor yet that it has been deemed valuable, considered by itself. It is that the zone with the Bravo at its back makes a national boundary for Mexico both in a military and a commercial sense; and no people should be asked, and no people could agree, to give up their boundaries. But for the purpose of warding off any ground for fighting in the future, the Government of Mexico undertakes not to create new towns nor settle colonies in the area lying between the two rivers so that by maintaining the present condition of non-population now found there it should prove equally safe for the two Republics. Under our instructions a *sine qua non* condition for the present is that we should hold that territory. Sentiments of honor and delicacy (which Your Excellency's noble character will properly appreciate) even more than a feeling of interest prevent our Government from agreeing to the dismemberment of New Mexico. On this point we believe it

Mexico in a seriously embarrassing situation on account of unnecessary to add anything to what we had the honor to say to you in our conferences by word of mouth.

The cession of Lower California, which will bring small advantage to the Republic or North America, is putting the position of that peninsula opposite our coasts in Sonora from which they are separated by the narrow Gulf of Cortez. Your Excellency has given their full value to our remarks in that part and we were glad to see that you yielded to them. It would be enough for Mexico to hold Lower California to make it indispensable to hold a part of Upper California, as otherwise the peninsula would have no communication by land with the remainder of the Republic, which is also a source of great embarrassment, particularly for a power like Mexico that is not a sea power. The cession offered by our Government (in consideration of the proper compensation) of that part of Upper California that runs from the 37th degree up will not only afford to the United States the acquisition of an excellent coast, fertile land and possible minerals that have not yet been touched, but also has the advantage of continuing in those parts its possession of the Oregon unbroken. The wisdom of the Government of Washington and the praiseworthy industry of the American people will manage to reap excellent results from the important acquisition as now offered.

In Article 8 of Your Excellency's draft the granting of a free passage across the Isthmus of Tehuantepec to the Southern Sea is claimed for North American citizens. We said to Your Excellency by word of mouth that some years ago the Government of the Republic granted to a private concern a privilege on this matter which, with the permission of the said Government, was turned over to English subjects whose rights are not at the disposal of Mexico. Your Excellency, therefore, will not wonder that on that point we do not accede to your Government's wishes.

We have engaged in that simple explanation of the grounds of the Republic for refusing to alienate all the territory that is asked outside of the State of Texas because we wish the North American Government and people to be sure that our partial denial is not from sentiments of aversion begotten by the antecedents of this war or from the suffering that Mexico has had to undergo, but flows from considerations prompted by reason and justice which would at all times be operative with respect to a more friendly people

and in the midst of relations of the closest friendship. The other changes Your Excellency will find in our counter draft are of less moment and we believe that there will be no objection to them. Of those found in Article 12 there has been some previous talk in Your Excellency's country; as for ourselves, we indulge the hope that your Government's loyalty will not refuse to make an engagement that so conforms to honor and the good harmony in which neighboring peoples must live.

Peace between the two countries shall be more strongly established if a friendly power (England), which so nobly offered its good offices to Mexico and the United States in the present difference, will now agree to guarantee the faithful observance of the treaty now being arranged. The Government of Mexico understands that it would be very expedient to apply for that guarantee.

Our Government has directed us to recommend to Your Excellency that you be pleased to let us have within three days your decision concerning the counter draft we now have the honor to place before you.

The good and salutary operation of peace cannot in our judgment be carried to a happy end if each one of the contending parties does not decide to desist from some of its original pretensions. That is what has always happened and all the nations have in such cases never hesitated to make heavy sacrifices to hush the desolating call of war. Mexico and the United States have special reasons for doing that. We must confess, not without shame, that we are giving mankind the scandalous example of two Christian peoples, of two Republics doing each other in the presence of all the monarchies all the harm that they can over boundary questions when we have an abundance of land to populate and cultivate in the fine hemisphere where Providence arranged for our birth. We venture to recommend these considerations to Your Excellency before your arrival at a final decision on our propositions. We have the honor to offer to you on this occasion our best regards and respects.

Manning, *op. cit.*, Vol. VIII, p. 940-945.

6 de septiembre de 1847. Contraproyecto mexicano del tratado.

1. 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.

2. All prisoners of war taken by either party both at sea and on land shall be returned immediately after the signing of this treaty. It is further agreed that if any Mexicans should be now captives in the power of any savage tribe within the limits of the United States to be fixed by Article 4 the Government of the said United States will demand their delivery and their return to freedom and their homes in Mexico.

3. Immediately upon the exchange of ratifications of this treaty there shall be returned to the Mexican Republic all the forts, territories, places or possessions that may have been taken or occupied during this war within the limits which are to be settled for that Republic by Article 4. There shall also be returned to it the artillery, apparatus of war and munitions that were in the castles and forts when they fell into the power of the troops of the United States. With regard to the artillery taken outside of the said castles and forts, that which may be in the possession of the troops of the United States on the day of the signing of this treaty shall be returned to Mexico.

4. The dividing line between the two Republics shall commence in the Gulf of Mexico three leagues from land opposite the south mouth of the Bay of Corpus Christi, will run straight within the said Bay as far as the mouth of the Nueces River; will then fall in the middle of the said river along its whole course up to its source; from the source of the Nueces River, there shall be drawn a straight line until it crosses the present boundary of New Mexico in the East Southeast; it will run along the present frontier of New Mexico East, North and West, until it reaches in the last named the 37th degree, which will be the boundary of the two Republics from the point where it runs into the said west border of New Mexico as far as the Pacific Sea. The Government of Mexico engages not to build new towns nor

establish colonies in the area of land lying between the Nueces River and the Bravo.

5. In due consideration of the extension acquired by the former boundaries of the United States under the foregoing article, the Government of the said United States engages to pay to that of Mexico the sum of——which shall be put at the disposal of the said Government of the Mexican Republic in the City of Mexico in the act of exchanging the ratifications of this treaty.

6. The Government of the United States, moreover, engages to take upon itself and give due satisfaction to the claimants of the amounts which are due up to date and those that may mature later on by reason of the claims already liquidated and decided against the Mexican Republic in accordance with the conventions between the two Republics of the 11th of April, 1839, and the 30th of January, 1843; so that the Mexican Republic shall have absolutely nothing to bear hereafter by reason of the said claims.

7. The Government of the United States also engages to take upon itself and duly pay all the claims of its citizens that have not yet been decided against the Mexican Republic, whatever may be the title or ground from which they spring or on which they base the said claims so that up to the date of the exchange of ratifications of this treaty the accounts of all kinds now existing or that may be supposed to exist between the Governments of Mexico and the citizens of the United States shall be settled finally and forever.

8. In order that the Government of the United States may meet, in compliance with the previous article, the claims that have not yet been decided of its own citizens against the Mexican Republic, there shall be created by the said Government of the United States a tribunal of commissioners whose decisions shall be final and conclusive provided that on deciding as to the validity of any claim the principles and rules established in Articles 1 and 5 of the Convention that has not been ratified and was signed in Mexico on November 20, 1843, shall be observed and in no case shall any judgment be given for any claim whatsoever that does not conform to the aforesaid rules. Should the tribunal of commissioners deem it necessary for a just decision of any claim to have before it any books, registers or documents held by the Government of Mexico, the Government of the United States will ask for those from the said Government and they shall be remitted either in the original or in au-

UNAM - IHH

thentic copies to be turned over to the said tribunal, it being understood that the Government of the United States shall not ask for any of the said books, registers or documents until they have been certified in every case under oath or solemn acclamation by the plaintiff in the case as to the facts which he proposes to prove by such books, registers or documents.

9. All churches, houses and buildings devoted to acts or the exercise of the Catholic religion in territories previously belonging to the Mexican Republic which under Article 4 of this treaty will thereafter be within the boundaries of the United States shall continue devoted to the same acts and exercises of the Catholic religion without any change whatsoever and under the special protection of the laws. The same will take place with the real and personal property which in the said territory may be devoted to the maintenance of the Catholic Church or of schools, hospitals and other charitable or beneficial institutions.

Finally, the relations and communications of Catholics in the said territories with their respective ecclesiastic authorities shall be open, free and in no wise hampered even though the said territories should have their residents within the boundaries assigned to the Mexican Republic in this treaty until a new demarcation of ecclesiastic districts is drawn in accordance with the laws of the Catholic Church.

10. Mexicans residing in territories previously belonging to Mexico and who are now within the boundaries given to the United States may at any time move to the Mexican Republic and hold in the said territories their property, or dispose of the said property and transfer the value thereof wherever they see fit without this giving to the United States any occasion for demanding any kind of contribution, burden or tax. If the persons under consideration prefer to remain in the territories where they now live they may retain the title and rights of Mexican citizens and in turn acquire the title and right of citizens of the United States if they should so desire. But in any case they and their property shall enjoy the fullest guarantee.

11. All concessions of land made by Mexican authorities in territories previously belonging to the Republic which under this treaty will hereafter be within the limits of the United States are valid and subsistent and shall at all times be upheld and guaranteed by the Government of the said United States.

12. The Republic of the United States solemnly promises not to admit hereafter any district or territory lying within the bounds which are given by this treaty to the Republic of Mexico. This solemn promise bears the character of the condition on the territorial cessions now made by Mexico to the Republic of North America.

13. All the goods now existing in the Mexican ports occupied by the North American troops shall pay the duties assessed by the tariff of the Mexican Republic unless they have been paid previously to the said Republic; but they shall not be liable to confiscation.

14. The Government of the United States will meet on terms of justice the claims of Mexican citizens for damages done to their interests by the North American troops.

15. The present treaty shall be ratified, etc.

Manning, *op. cit.*, Vol. VIII, p. 940-945.

315

7 de septiembre de 1847. Tacubaya. N. Trist a los comisionados mexicanos, Herrera, Couto, Mora Villamil y Atristain.

The undersigned, commissioner of the United States of America, has the honor to acknowledge the receipt of the note, under date of yesterday, from their Excellencies the Commissioners on the part of Mexico, accompanying the Counter-Project which they had been instructed to present.

The authority with which he is clothed being limited, so far as regards the boundary to be established between the two Republics, to the conclusion of a treaty upon the basis of the ultimatum presented by him on the 2nd instant, the undersigned finds himself, as was stated by him at their conference on yesterday, under the painful necessity of recognizing the absolute irreconcilableness which exists between the views of the two governments in this regard, and of considering these final instruction to their Excellencies as putting an end to the negotiation which he has had the honor to conduct with them, and which has left on his mind a deep and lasting impression of the sincerity with which his earnest wish was reciprocated, that the restoration of peace might be the result.

UNAM - IHH

Debarred as he is, from discussing with them the question of boundary, beyond the point now reached, he must limit himself to some remarks, in reply to the observations to which his attention is invited, and which he is requested to consider fully, before coming to a definitive determination with respect to their propositions.

Acknowledging their title to his utmost attention, not only on account of the gravity of the subject, but also because of the candour and frankness displayed throughout their intercourse, on the part of those by whom these observations are submitted, the undersigned, after considering them in the same spirit, finds himself compelled to say, that, plausible as they may at a first glance seem, they indicate to his mind an altogether erroneous view of the positions in which the two countries stand towards each other, and of the general question now pending between them.

It is perfectly true, as stated by their Excellencies, that "the war now existing commenced with reference to the territory of the State of Texas"; and it is likewise true, that the title by which this territory is claimed by the United States (or, to speak more properly, now constitutes an integral portion of the United States) consists in "the act of Texas" (concurrently with that of the American Congress) "whereby she became incorporated into the Union", as one of its sovereign members. But this is very far from warranting the conclusion which appears to their Excellencies to flow from it; and on which are rested the reasonableness and justice of the propositions which they have been instructed to make on the part of the Mexican Government.

This conclusion is, that Mexico, by consenting, as she now offers to do, upon being properly indemnified, to accede to the claim of the United States to Texas, removes the cause of the war; and that, consequently, all title whereby it may be further prosecuted being now wanting, it should at once cease. Pursuing the same line of reasoning, it is further urged, with reference to the remainder of the territory comprehended within the boundary described in the Project presented by the Undersigned, that no right thereto having heretofore been alleged by the United States, consequently the only title by which it could be acquired must rest either upon conquest or upon purchase: with respect to the former of which titles, the confidence is expressed, that it would be regarded with reprobation by the United States; whilst, in regard to the latter, it is remarked, that it would be re-

pugnant to every idea of justice, to wage war against a nation, for no other reason than her refusal to sell territory which a neighbor desired to purchase.

To perceive clearly the utter fallacy of this whole view of the subject, it is necessary only to advert to a few leading facts, belonging to the series of events, out of which has grown the state of things now existing between the two countries.

Composed chiefly of emigrants from the United States, who had been invited thither by Mexico, under the guarantees for the security of life, liberty and property, afforded by the constitution of 1824, a constitution modelled upon that of their native land, the People of Texas, after the lapse of a few years, found themselves presented with the alternative of taking up arms in defence of their dearest rights, or submitting to the military usurpation and despotism by which the organic law of their adopted country has been subverted and replaced. As could not but be foreseen by all persons not entirely unacquainted with the national character formed under the influences of English principles of Government and of the developments which these have received on our side of the Atlantic, the former of these alternatives was the choice of the Texans. They resisted, and their resistance proved successful. Thus arose the Republic of Texas.

After establishing a government, the security afforded under the influences of English principles of government, and of the developments which these have received on our side by which to all that civilized man holds dear, presented the most striking contrast to the consequences of the subversion of the Mexican Constitution, as exhibited throughout the rest of the country for whose happiness it had been established; after obtaining from the principal powers of the earth a recognition as one of the great family of nations; and after maintaining this position through a period and under circumstances rendering manifest to the world, that it was not to be shaken by Mexico, the new Republic sought and obtained admission among the United States of America, as a member of their Union.

By this event she became entitled to be protected by the United States from invasion: their appropriate organ for the discharge of this obligation being the Executive of the General Government, as the functionary charged with the control and direction of their defensive force. But, of what consisted the territory of this new member of the Union, which,

UNAM - IHH

from the moment of her admission as such, it had thus become the duty of the President of the United States, to employ the forces, placed by the Constitution under his direction, in protecting from invasion? In other words, where were her boundaries? To protect a State from invasion, means to prevent the occupation of any portion of her territory by the armed force of any other state or nation. This obligation, therefore, manifestly implies the existence of limits to her territory; limits, the crossing of which by a foreign force constitutes an invasion.—It necessarily results from the very nature of things, that this duty of protection can have no existence, except concurrently with the existence of such limits. When considered with reference to this obligation, a territory without determinate limits is a contradiction in terms: it is of the very essence of the obligation, that the portion of the earth's surface to which it attaches shall be definitive and determinate; it being otherwise impossible to say, when it is invaded, and when it is not invaded.

Where, then, were the limits of this new member of the Union? As defined and asserted by herself, the territory of Texas extended to the Rio Bravo. Her right to insist upon this boundary was equally good, and identically the same in all respects, as the right of Mexico to insist upon any other line of separation; and this right, agreeably to a principle of international law too well established to admit of dispute or doubt, existed *independently of the question as to what might or might not have been true limits of Texas, whilst constituting a part of the Mexican Republic.* With reference to that period, their Excellencies the Commissioners assert, as "a matter of absolute certainty, that the country comprehended between the Nueces and the Bravo had never formed part of the State of Texas". But, supposing this to be true, it would not in any way affect the right of the Texan people, at the close of the war into which they had been forced, as above stated, to insist upon such boundary as they might deem essential to their future security against the spirit manifested towards them by the Government whose usurped power they had so successfully defended themselves against; whilst, not content with subverting the authority of the constitution, it had sought to stifle and to extinguish for ever, within the bounds of Texas especially, not only every spark of liberty, but every one of those great elements of civilization which that Constitution was designed to foster and to develop. In a word, the Republic of Texas

and the Republic of Mexico had been for many years at war; and, *as the condition to the cessation of this war, either party had the same right identically, to demand and insist upon the establishment of such boundary as in her judgment was the just and proper one.* If Mexico, on her part, could assert as a fundamental axiom the one now put forward by her Commissioners, that "no nation can rightfully be required, nor should any nation ever consent, to relinquish her natural frontier"; and from this axiom deduce her right to insist upon possessing the territory between the Nueces and the Bravo, on the ground of the insufficiency of the latter river alone for her security, either in a military or in a commercial point of view, and that the river and the territory together were indispensable to her for this purpose:— if this right appertained to Mexico, Texas, on the other hand, had an equal right to appeal to the same principle, and to point to the manifest self-contradiction involved in the deduction drawn from it; which, on the ground that the whole of a broad and angry torrent was insufficient for her security, gave to Mexico a wide extent of territory as an additional bulwark, whilst it required that Texas should content herself with half the width of a comparatively narrow and sluggish stream.

Such, then, was the position of Texas with regard to her boundary towards Mexico, at the time when she became admitted into the Union. According to the well settled doctrine of international law this subject, the line of demarcation between the two Republics *had become obliterated by the war*; and the consent of both had become necessary to the reestablishment of that line, of the establishment of any other, as their common boundary. This being the state of things, Texas, asserting her right and her determination to insist upon the lower part of the Rio Bravo as a part of that boundary, obtained admission into the North American Sisterhood. With respect to this point, however, the American Congress through a scrupulous regard for any right which Mexico might have, or might suppose herself to have, to any portion of the territory embraced within the asserted limits of Texas, reserved to the United States the right to determine those limits, by means of friendly negotiation with Mexico; this being, as has already been observed, the only way in which an international boundary, in the proper sense of the term, can be ascertained. For, although one of two contemner nations may select for itself, and may maintain by

force, the line which is to separate her territory from that of the other: yet, a boundary between them can never be said to exist, except in virtue of the consent and recognition of both. Without such agreement between them, neither of two nations whose territories touch each other can be said to have a boundary.

Such was the state of the case between Texas and Mexico, at the time of the admission of the former into the American Union; and such it necessarily continued to be, after that even: with the single difference, that the question between Mexico and Texas had now become one between Mexico and the United States. No agreement or understanding had yet taken place between them: the Mexican Government, on the contrary, still claiming to consider Texas as a rebellious province, over which it intended to reestablish its authority, it was in the nature of things impossible that the boundaries of this new member of the American Union should have become determined.

From this state of things resulted the obligation, equally imperative upon the United States and upon Mexico, to effect as speedily as possible that settlement of boundary which, by events now past recall, and manifestly to the whole world constituting a "fact fulfilled", had become a matter of absolute necessity between these two parties; as that, by virtue of which alone either of the two could exercise authority over any portion of the country lying between the Rio Bravo and the Sabine, without the certainty of collision between the equal right and the equal obligation of each to defend its territory from invasion: for, as has already been stated, whilst Texas, on the one hand, asserted that these two rivers constituted her boundaries, the Mexican Government, on the other hand, persisted in denying the separate existence of Texas as an independent state, and claimed the whole country embraced between those streams as still constituting a part of Mexico. Moreover, even on the supposition that the pretensions of the latter had been less irreconcilable with the fixed facts, of the independence of Texas and her incorporation into the Union; and if these fixed facts had received from Mexico the acknowledgement to which they were entitled from human reason, still, even on this supposition, the necessity for a settlement of the boundary would have been no less absolute than it has been shewn that it was. For, until ascertained by a compact or agreement, definitive or provisional, between the United States and Mex-

ico, the boundary between the two Republics, when considered by the United States with reference to the national obligation to protect their territory from invasion, *could be none other than that very boundary which had been asserted by Texas herself*. From the very nature of things it could not be otherwise: because, independently of the truth, that a boundary between two conterminous nations cannot exist except in virtue of their mutual consent; and that consequently it was impossible that this boundary should be determined by the United States alone; independently of this truth, the necessity here referred to resulted from the care taken by the United States, whilst in the very act of admitting Texas, to respect the territorial rights of Mexico; not, indeed, by denying, as her Government persisted in doing, the existence of Texas as a sovereign and independent republic, but by recognizing the impossibility, that, by the mere act of Texas alone the line of demarcation between herself and Mexico should be determined. From this manifestation of regard for the rights of Mexico, it resulted, that the Executive of the United States, their constitutional organ for fulfilling the obligation of protecting the country from invasion, was placed under the necessity, either to disregard that obligation entirely with respect to Texas, or to consider it as coextensive with the limits which she had herself asserted. Between these alternatives, no medium presented itself, except, that the Executive should assume to decide what the proper limits of Texas were: a thing impossible on its part, without an usurpation of power, no less futile than flagrant. For, whilst on the one hand, it could not but leave the question of boundary precisely where it stood before; it would have involved, at once a violation of the rights of Texas, a violation of the rights of Mexico, and a defiance of the authority of the Legislative power of the Union; the determination of these limits, having by that authority, been referred to the concurrent action of the Treaty-making power of the United States and of Mexico. This flagrant and threefold usurpation on the part of one branch of the Government of the United States, constituted the only possible middle course between the alternatives above stated. And this state of things must continue, so long as the boundary of the newly admitted member of the Union should not be ascertained, either definitively or provisionally, by a treaty or convention between the American and the Mexican Governments.

Thus stood the case between the two Republics. Here was a juncture in human affairs, presenting as a fixed fact,—a fact which had passed beyond human control, and which it was just as impossible to do away with, as it is for man to change the figure of the globe which he inhabits—the absolute necessity of an immediate understanding and agreement between the two Governments; whereby, if not definitively at least provisionally, that boundary should be ascertained, by means of which alone their respective fields of duty could be distinguished; by means of which alone, a collision in the discharge of those duties could be avoided. And how was this necessity met by Mexico? By a refusal to acknowledge it! To endeavors the most earnest, the most respectful, the most conciliatory, the most patient and persevering, to induce her to listen, she responded by a refusal to hear. The admission of Texas into the Union was denounced by the Mexican Government, in terms that the Undersigned will not recall, as an act of war; and its unalterable determination proclaimed, to wrest Texas, the whole of Texas, from the United States by force of arms. Armies were embodied, and the resources of the country exhausted in preparations to carry this threat into execution; and finally, the troops of the United States were attacked, and American blood was shed, within that territory which, as has been demonstrated, nothing but the amicable understanding which it had so earnestly but so vainly sought, could have absolved the Government of the United States from the necessity of considering as a part of the country which it is under the most imperious and the most solemn of obligations to protect from invasion.

Thus did this war begin. It was commenced, not by the United States, to acquire Texas; but by Mexico to subjugate Texas, after her national existence had become irrevocably blended and identified with that of the United States. This was the avowed purpose for which Mexico's "Army of the North" was embodied and marched; and for which "the campaign of Texas" was opened. The ulterior destination of that Army, as proclaimed by the press of the Mexican Capital, echoing and reechoing the manifestoes and the orders poured forth by the Government, was, not the Southern shore of the Rio Bravo, but the western shore of the Sabine. There was no mention then, of the distinction between the territory proper to the state of Texas and the territory proper to the state of Tamaulipas; nor of "the zone between the left bank of the Bravo and the right bank of the Nueces"; nor of the

latter river as constituting a boundary of any or for any purpose. The only limit to Mexican territory, recognized in the manifestoes referred to, was the Sabine; and upon the bank of that river was the army of Mexico to plant her flag.

Thus did the war begin. Had no such purpose as the subjugation of Texas been then avowed, or been then entertained, by the Mexican Government; had her "Army of the North" been formed solely for defensive purposes; even then, on this supposition so highly favorable to Mexico, the cause of the war could be found in but one thing: the pertinacious refusal of her Government to recognize the necessity which had arisen, for that concurrent action of the two governments, by which alone either nation could be enabled to distinguish the territory which it was under the obligation to defend as its own, from that which it was bound to respect as its neighbor's.

When considered in connection with the course pursued by the Mexican Government, in refusing to recognize this necessity, the mere presence of its forces upon the left bank of the Bravo, or any where within the asserted limits of Texas, constituted an invasion. Independently of any attack by those forces upon the troops of the United States, their crossing the Bravo amounted of itself to overt war. Under the circumstances which attended it, this act could be construed into nothing else than the first step in carrying out the avowed determination to subjugate Texas, to overrun and occupy the entire state, up to the very bank of the Sabine. But, independently of all those circumstances and if no such purpose had been avowed or been indicated in any way, still, the mere act of crossing the Bravo, connected with the refusal above stated, constituted a hostile invasion: it is impossible that any act between nation and nation should be more strongly or more clearly stamped with the character of war, of deliberate and premeditated war. This invasion was repelled; and the war thus commenced by Mexico became soon a war of invasion on the part of the United States: a war of invasion but not of aggression; for they had remained passive until actually struck, and until it had thus become manifest that no good consequences could result from further forbearance, and that the only hope of peace between the two countries rested upon a vigorous prosecution of the war by the party assailed.

The results by which it has thus far been attended, it were needless here to dwell upon. It suffices to say, that the

Sea-ports of Mexico, together with the chief cities and strong places of a very considerable portion of her territory are now in the possession of the forces of the United States; and this, under circumstances affording no prospect whatever that their hold upon them can be made to loosen. These are the circumstances under which the desire for peace, so steadfastly cherished and so constantly manifested by the United States, is now again repeated. In making this offer, upon the conditions set forth in the Project submitted by the Undersigned, the United States occupy a position very different from that supposed in the observations which have elicited these remarks. In proposing to Mexico, to agree to the establishment of the boundary defined in that Project, they do not present themselves as purchasers, attempting to coerce a neighbor to the sale of her territory. They do, it is true, rely on the title by conquest; but not in the sense wherein alone this title has any odium attached to it, even according to the highest known standard of international morality. The title by conquest—understanding by conquest, the forcible wresting of a country from its rightful owner, without just and sufficient cause, and through the mere desire to possess it—this title by conquest is one which the Mexican Government does nothing more than justice to the United States, in supposing that it finds no favor in their eyes. But, if by conquest he meant the retention of territory which a neighbor, by forcing you into a war, has compelled you to occupy, after every possible means has been exhausted by you, to preserve peace and to avoid that necessity;—if this be the sense attached to the words, then the title by conquest is one which any member of the great family of nations may appeal to, in the certainty that it will be pronounced good by the tribunal to which they are all alike amenable. From the judgment of that tribunal upon the terms now offered to Mexico, the United States have nothing to apprehend. In the eyes of a candid world when the excitement and the misconceptions of the hour shall have passed away, their conduct will appear in its true light; and the erroneousness of the view now taken by Mexico of the position which they occupy towards her will be manifest. Instead of the covetous neighbor, seeking to extort from the weakness of another the sale of territory which she is averse to part with, they will be seen to have realized the character of a generous conqueror, freely proffering to restore possessions of inestimable value, acquired at a vast expenditure of blood and of treas-

ure, in the prosecution of a war into which he had been most reluctantly compelled; and who, whilst insisting, with respect to a portion of his conquests, upon his right to retain them, sought at once to reconcile the exercise of this right with the interests of the other party, and to render it as little grating as possible to his feelings, by connecting with it an offer of that pecuniary relief which his exhausted condition so loudly called for, and which every thing conspired to render vastly more important to his welfare than the recovery of remote and uninhabited districts, the loss of which would be as little felt as had been the merely nominal and purely sterile authority previously exercised over them.

Inclosing this correspondence, the Undersigned, whilst most painfully alive to the consequences which cannot but attend the failure of the purpose for which they were placed in communication, experiences unfeigned satisfaction in giving utterance to the sentiments of personal esteem and confidence with which he has been inspired by the eminent citizens of Mexico who have acted as her organs in the negotiation. Barren, as unhappily it has proved in regard to the great object which has occupied them, it has at least served to impress deeply on his mind the conviction, that, had the course of the Mexican Government upon the Texas question been directed by the enlightened patriotism which this Republic possesses among her sons, reason and candor and good feeling would have asserted their rightful predominance over the elements to whose baleful sway the calamities of this war are due.

Manning, *op. cit.*, Vol. VIII, p. 946-953.

316

27 de septiembre de 1847. México. N. Trist a J. Buchanan.

No. 16—Confidential.

Sir:

The news of the renewal of hostilities, and of the capture of this city, after another series of actions, in which our troops have again covered themselves and their country with

UNAM - IHH

glory, will have prepared you for an account of the failure of the negotiation.

On the 5th instant, I received a visit from the Secretary of the Mexican Commissioners, who came to make an appointment for a meeting at the usual place, on the following day. I was there at the named, (10 o'clock) and officers were there to receive me; but the commissioners did not make their appearance until the hour of one. Apologies were not wanting on their part, but they were not needed by me; for I understood their position perfectly: the whole time since our last meeting had been employed in cabinet consultation and discussions, and they were now just from the last of these, to bring me the final result. Of the complexion of this, I could have judged from their looks, even if I had not previously been informed of what it was, in all likelihood, to be.

After an enquiry, (evidently made without any expectation on their part that it could be answered otherwise than by the negative which I gave) whether the question of the transfer of New Mexico could not be left to its inhabitants, they produced the rough draughts of two papers, which after being read to me, were placed in the hands of clerks who had been brought out from the Secretary of State's office, to make copies for signature. Copies of these papers, and of my reply are herein enclosed, numbered from 1 to 3.—This reply has not yet been transmitted by me: for hostilities were renewed on the following day, as will be seen from Enclosure number 4, and actively prosecuted until the capture of this city; from which event dates the total dissolution of the Mexican Government: there has not, since that moment, been any recognized authority in existence, with whom I could communicate. Santa Anna, after flying from pillar to post for many days, is now at Puebla, with some troops which cannot be at all numerous or formidable, under the command of himself and of Generals Alvarez and Rhea. Such remnants of the army lately embodied in this city, amounting to from 20 to 25,000 men, as have not disbanded themselves, were, by Santa Anna's orders, previously to this leaving this neighborhood, divided into "Sections", and marched off to the different states, with a view to their subsistence. This, at least, is the face put upon the matter, in a circular from Pacheco, late minister of Relations to the governors of the states, dated at Toluca on the 18th instant, and this day published here, from a paper

UNAM - IHH

established at that place and pretending to style itself the "Diario del Gobierno".

To day also, among other documents of a similar stamp, all constituting a futile attempt on the part of Santa Anna, to keep up a show of authority, has been published here a paper from him, dated on the 16th instant in which at the same time that he resigns the Presidency *ad interim*, he takes upon himself, to *decree*, that, in pursuance of the provision of the constitution, the supreme executive Power of the nation resides, from and after the publication of this decree, in the President of the Supreme Court of Justice; and he also takes upon himself to appoint, as the two Associates of the President, General Herrera, and Señor Alcorta (late Minister of war, and a staunch friend of peace). The reason assigned for this resignation is, that, resolved as he is to content to the last as a soldier, at a distance from the seat of Government, that is to be, (Queretaro) the public interests forbid his retaining the office of President. His real desire and intention (although circumstances may arise, to produce a change) are, I *know*, to escape from the country. And it is much to be wished that he were once more out of it: for, although he is universally considered as for ever prostrate and this belief has already had a most marked effect upon those whose sole or chief motive for opposing all steps towards peace, was the apprehension that this would serve to consolidate his power; yet, to render this effect complete, nothing short of his death or his absence from the country will suffice.

His decree, except, so far as regards the resignation which it contains, is considered by all as totally devoid of all authority; and even his resignation was generally deemed unnecessary, inasmuch as he had *de facto* "abandoned the government" This was said to me, two or three days ago, by ... who is going to Queretaro as a member of Congress.

The true state of the case is this: Mr. Peña y Peña, as President of the Supreme court of Justice, is, by the constitution, the Chief Executive; and is now on his way from Toluca to Queretaro, where Congress are to meet on the 5th of October: the same "Sovereign Constituent Congress", whose functions are now considered as limited to the subject of the war with the United States; the duty of "constituting the nation" having been fulfilled. Four days ago, I was informed by a most trustworthy person, who had just seen Salonio, the President of Congress, that there was every reason to expect

that 94 members would be in attendance, on the day named, (the number necessary for a quorum being 71). There were, at that time, thirty-seven members in this city, who had been individually visited by Salonio, and had given the most positive pledge to be there. There were also seven-teen at Toluca, who had given the same pledge; and forty were already assembled at Queretaro. The best and most influential men of the country are up and doing; and there is every prospect of the formation and consolidation of a party, such as the Republic has not seen since the subversion of the constitution of 24. Señor Couto the late commissioner, whom ill-health has, for a considerable time past, prevented from taking an active part in political affairs, has recently been indefatigable in his exertions. To these chiefly is due the consent of Peña (who is a timid man, and had buried himself in the country) to come forward and take charge of the post devolved upon him by the Constitution. In order that he might at once enter upon the performance of its duties, appoint, a cabinet, and thus resuscitate the executive branch of the Government, it was proposed that the oath of office should be administered to him by the State Legislature or "Congress" at Toluca; but, after a day or more of angry discussion, they refused; and he has proceeded to Queretaro, where the Congress of the Republic will immediately qualify him, and proceed to the election of his two Associates, or to that of a President *ad interim*, to supersede the necessity of his acting. General Herrera is gone to Queretaro, conducting the principal fragment of the late army.—In a word, the most powerful effort which this country is capable of, is now making in favor of peace; and if it fail, all hope of any such thing will be extinct, and the country consigned to hopeless anarchy and ruin. The result will soon be known.

...is of opinion that, even if the most sanguine hopes that can rationally be entertained by the friends of peace should be realized, it will still be impossible to make a treaty which shall place us upon the Rio Bravo as the boundary.

I must not omit to say, in justice to Santa Anna, that I am perfectly convinced, that no man was ever more sincere in any thing, than he was, in his wish to make peace; or more firmly resolved than he was, to go all practicable lengths to effect the object. But the thing was an impossibility, upon the basis on which alone we would have it. He is no patriot, just the reverse; but had the been the purest of patriots,

he could not have displayed more singlemindedness than he recently has, or striven with more energy and efficiency against the numberless difficulties of all sorts which whelmed him in. Having, after several days of hesitation, made up his mind that he could not agree to our boundary, he then gave to the whole affair the complexion best calculated to protect him against the denunciations which he knew would be poured forth in all quarters. From the documents in the enclosed pamphlet, (Enclosure number 5) it will be seen that he had, from the beginning, prepared for a display of altruism, in the maintenance of "the rights and dignity" of Mexico, that could not be surpassed by any of his assailants.

I am [etc.].

P. S. Tuesday morning, Sep. 28. 47.—I received last night your dispatch of the 19th July. That of the 13th of the same month was intercepted and opened, together with the private letters in the same envelope; and in this state sent to me by the Minister of Relations, on the 6th instant, the last day of the armistice.

Manning, *op. cit.*, Vol. VIII, p. 953-956.

317

10. de octubre de 1847. México. N. Trist a J. Buchanan.

No. 17—Confidential.

Sir:

I transmitted some days since, via Vera Cruz, my numbers 15 and 16 together with Duplicates of 12, 13, and 14. Duplicates of the two former are herein inclosed. After my packet had been sealed and delivered to the person who was to carry it, I received some interesting intelligence from Toluca, which formed the subject of a hurried note, sent by the same individual. Thus far, the friends of good order and of peace, are proceeding prosperously in their efforts to organize a government in strict conformity with the constitution. Mr. Peña y Peña, who, by virtue of the office of President of the Supreme Court of Justice, held by him, is the chief executive of the Republic, has assumed this charge,

and has appointed Dn. Luis de la Rosa Minister of Relations. This has been officially announced to the Diplomatic corps, and they (Peña and Rosa) have proceeded together to Queretaro, where Congress are to meet on the 5th instant—It was proposed to the State Legislature, then assembled at Toluca, to administer the oath of office to Señor Peña; but, after a very protracted and angry discussion, they refused to do so and passed a violent anti-peace decree, declaring that they would recognize no federal authority save that of the congress of the Lagos Coalition.

The Governor (Olaguibel—one of the many opponents of Santa Anna whose disposition in regard to peace have become considerably modified by this downfall) refused to allow this anarchical decree to be published, and there has been a general burst of indignation against it. According to every appearance, it will do good. The delegation from the State to the Sovereign Congress has determined to disregard it.

Peña wished Cuevas, who under the stimulus of letters from Couto was chiefly instrumental in dragging P. Forth, to come in, As Sec. of State; but Cu. demonstrated to him the expediency of his remaining out of the Cabinet: Rosa, also, most active, is in but temporarily: his services being specially needed on the floor.

I am [etc.].

Manning, *op. cit.*, Vol. VIII, p. 957.

318

6 de octubre de 1847. Washington. J. Buchanan a N. Trist.

Desde Veracruz le había llegado un panfleto titulado *Contestaciones habidas entre el supremo gobierno mexicano, el general en jefe del ejército americano y el comisionado de los Estados Unidos*. Con todo detalle pretendía dar la narración del "origin, progress and unsuccessful termination of your negotiations with the Mexican Commissioners".

El contraproyecto del gobierno mexicano resultaba ser un documento notable porque "Its extravagance proves conclusively that they were insincere in appointing commissioners to treat for peace, and that the armistice and subse-

quent negotiations were intended merely to gain time. They must have known that the government of the United States never would surrender either the territory between the Nueces and the Rio Grande or New Mexico or any portion of Upper California; never would indemnify Mexican citizens for injuries they may have sustained by our troops in the prosecution of the present just and necessary war; and never could, without dishonor, suffer the Mexican Government to levy new duties on goods imported into ports now in our actual possession which had already paid duties to the United States. To propose such terms was a mere mockery. And here I ought to observe in justice to yourself, that we do not believe there is any truth in the assertion of the Mexican Commissioners that you had proposed, if the other terms of the Treaty were made satisfactory, to refer to your government, "with some hope of good result", the question of surrendering to Mexico that portion of the sovereignty of Texas between the Nueces and the Rio Grande, or any part of Upper California.

Your original instructions were framed in the spirit of forbearance and moderation. It was hoped that after the surrender of Vera Cruz and the Castle of San Juan de Ulloa, the Mexican Government would be willing to listen to the counsels of peace. The terms, therefore, to which you were authorized to accede were of the most liberal character considering our just claims on Mexico and our success in the war. New Mexico, the Californias, several of the Northern States and most of the important ports of Mexico were then in our possession: and yet we were at that time willing freely to surrender most of these conquests and even to make an ample compensation for those which we retained. Circumstances have entirely changed since the date of your original instructions. A vast amount of treasury has since been expended, and what is of infinitely more value, the lives of a great number of our most valuable citizens have been sacrificed in the prosecution of the war.

In the annals of history never has there been a war conducted in the same manner by invading forces. Instead of levying military contributions for the support of our armies in the heart of the enemy's country, we have paid fair and even extravagant prices for all the supplies which we have received. We have not only held sacred the private property of the Mexicans, but on several occasions have fed their famishing soldier and bound up their wounds. And what has

been the return? Treachery and cruelty have done their worst against us. Our citizens have been murdered and their dead bodies mutilated in cold blood by hands of savage and cowardly guerrillas and, the parol of honor, sacred in all civilized warfare has been habitually forfeited by Mexican officers and soldiers. Those paroled at Veracruz have fought against us at Cerro Gordo; and those paroled at Cerro Gordo have doubtless been in the ranks the enemy in the battles so glorious to our arms at and near the city of Mexico.

After the battle of Cerro Gordo, the president entertained serious thought of modifying your instructions at least so far as greatly to reduce the maximum sums which you were authorized to pay for portions of the Mexican territory; but wishing to afford to the world an example of continued moderation and forbearance in the midst of victory, he suffered them to remain unchanged. And what has been the consequence. After a series of brilliant victories, when our troops were at the gates of the capital and it was completely in our power, the Mexican government have not only rejected your liberal offers, but have insulted our country by proposing terms the acceptance of which would degrade us in the eyes of the world and be justly condemned by the whole American people. They must attribute our liberality to fear, or they must take courage from our supposed political divisions. Some such cause is necessary to account for their strange infatuation.

In this state of affairs, the President, believing that your continued presence with the army can be productive of no good, but may do much harm by encouraging the delusive hopes and false impressions of the Mexicans, has directed me to recall you from your mission and to instruct you to return to the United States by the first safe opportunity. He has determined not to make another offer to treat with the Mexican government, though he will be always ready to receive and consider their proposals. They must now first sue for peace. What terms the president may be willing to grant them will depend upon the future events of the war and the amount of the precious blood of our fellow citizens and the treasure which shall in the meantime have been expended.

Should the Mexican government desire hereafter to open negotiations or to propose terms of peace, their overture will be immediately transmitted to Washington by the commanding general, where they will receive the prompt consideration of our President.

Should you have concluded a Treaty before this despatch shall reach you, which is not anticipated, you will bring this treaty with you to the United States for the consideration of the president; but should you, upon its arrival be actually engaged in negotiations with Mexican commissioners, **these** must be immediately suspended, but you will inform them that the terms which they may have proposed or shall propose, will be promptly submitted to the president on your return. You are not to delay your departure, however, awaiting the communication of any terms from these commissioners for the purpose of bringing them to the United States. I am, Buchanan.

Mexico. Instructions. November 10, 1845-April 6, 1854. Department of State. Vol. 16, doc. núm. 5, p. 75-79. NAW.

319

25 de octubre de 1847. México. N. Trist a J. Buchanan.

Sir:

...Letters are pouring in upon the deputies at Queretaro, urging them to make peace, without loss of time; the writers being generally men who have hitherto been among the most vehement in denouncing every idea of the sort. This change is owing chiefly, almost entirely, to the downfall of Santa Anna; though it has not, by any means extended to all those whose opposition to peace arose from the belief that it would serve to fix that man in power, and to subject the country hopelessly to his sway.

The expedient has been resorted to, of inviting the Governors of the States to Queretaro, to confer with the Government; and many of them have agreed to meet there. They will be presented with statements of the contingents in men and money which are indispensable to the prosecution of the war; and it is expected that this argument will prove quite efficacious in making proselytes to the cause of peace.

Putting out of view the merely personal factions, and confining ourselves to what may be considered as national parties, but two of these now exist with reference to the question of peace or war. Both are, in truth, disposed to

UNAM - IHH

peace, and the disposition is equally sincere and earnest in each. Nevertheless, the struggle is to be between these two parties and it will be as vigorous as if one of them were actuated by the most intense and reckless animosity against us; whilst, in reality, it will be influenced solely by the desire to become incorporated with; and, if this be impracticable, to compel us at least to give them aid and support in maintaining a decent order of things, by means of a government, founded on republican principles. As was remarked to me today by one of our officers, in conversation on this subject, the position in which our country finds itself at this juncture is a phenomenon altogether unexampled in the history of the world; a nation, to whose principles and habits and institutions the spirit of conquest is altogether foreign, actually has thrust upon her, by its own inhabitants, the acquisition of a country, rich beyond calculation in numberless sources of commercial prosperity, and abounding in every thing that can make a country desirable...

... If the belief in the feasibility of their design could be propagated, the annexationists would, I am perfectly convinced, become in a very short time the predominant party. The best part of the population would rapidly fall into their ranks, and they would very soon carry every thing before them. It can scarcely be conceivable by one who does not actually *know* the truth of the matter, (as the opportunities which I happen to enjoy enable me to do) how rapidly the wish that we may retain the country is extending itself. Not only is it openly and vehemently avowed by the foreigners in mass, excepting only the old Spaniards, (and even these would very soon become reconciled to the idea, if it presented itself as a probability), but it is confidentially whispered among the higher classes of the native population: the people to whom, until very recently, "the northern barbarians" have been the object of ineffable detestation, scorn and disgust; people who, so late as yesterday, were ready to spit upon any one who suggested the idea that "the Magnanimous Nation" might ever "submit to the robbery of Texas". The change has even come over the higher clergy. Fully aware, though they be, that freedom of worship would be the immediate consequence, and terrible as this evil is to their imaginations, they have brought themselves to look upon it without shuddering, when contemplated in connexion with the one great advantage to their class, with which it would be associated: the security of their property, from the contributions and

forced loans to which it has so often been subjected, and from what is worst of all, the confiscation which they know and feel to be constantly impending over it.

I experienced not a little surprise upon first becoming aware, as I did at Puebla, of the influence produced by this view of the subject upon the lower clergy; the lazy, ignorant and stupid monks, whose views do not extend beyond the round of purely animal enjoyments, of which their lives are made up, and who have in their characters no element whatever for an *esprit de corps*, save the common love of and greed after, money and property, mixed up with an idol-worship fanaticism (for with them, religion is sheer idolatry and burning of candles) no less gross and base than their gluttony and lasciviousness. But my surprise has been far greater, at learning, that the same consideration has produced an equally decisive effect upon that portion of the Body who, although they have but little purity to boast of, are nevertheless elevated far above the common herd, in the sentiments and principles by which they are actuated. It shows how strongly impressed their minds must be with the danger of the downfall of the Church itself, through the confiscation of the property, on which its influence (such as it exists here especially) so materially depends.

That the wish for our permanent continuance here prevails among the foreigners, is a fact which no one on the spot can fail to know. That it is general and decided among a certain class of the natives, (those who, from whatever motive, are democratically inclined) is also known to many: for most of them are quite open mouthed on the subject, and those who are most discreet show but little reserve in regard to it. The case is different, however, with the class who constitute what is called "good society". Even if their feelings of aversion for our race were not sufficient (and they are superabundantly so) to produce the effect, prudence alone would dictate that they should, under existing circumstances, avoid all contact with us. This they do; and it is only from having been favoured by accident, with channels of communication not suspected by themselves, that I am enabled really to know any thing of what is passing in their hearts, and to speak with certainty and positiveness on the subject. I use this tone, not hastily or inconsiderately, but, in the perfect assurance that it is fully justified by the character of my sources of information. So far as regards them, the relations which they bear to the classes referred

to, and the opportunities which those relations afford, are, with me, a matter of positive knowledge; and I feel perfectly certain of the absence of all motive and all wish to convey to me any impression but those strictly accordant with the truth of the matter.

This applies to all that I have said or may hereafter say, (unless I expressly give to it the character of mere rumor, or of inference from newspapers and ordinary sources of information) in regard to the views and dispositions of the upper classes, whether clergy or laity. In regard to movements and design on the political stage, my means of knowledge are equally good. With respect to the Peace party, particularly, I learn from day to day, every thing that the prime-movers in it, at Queretaro and elsewhere, consider worth communicating to those who are cooperating with them from this point: persons between whom, besides the bond of Union consisting of identity of views with respect to the peace question exists the closest personal friendship and intimacy. Indeed, I am on this footing with the prime-movers, at this place, of two distinct branches of this party; who, although their efforts tend to the same result, as perfectly as if they were one in body and soul, have but little communication with each other, and no personal affection or intimacy: rather the reverse. *The soul of the one here, is Mackintosh the British consul who has immense interests—perhaps every thing— at stake upon the restoration of peace; and at Queretaro, Luis de la Rosa, the Minister of Relations.* The corresponding places in the other are occupied by *Couto and Luis Cuevas Peñas first choice for the office held by Rosa.*

Information derived from a source entitled to great reliance (not connected with any of the foreign missions or consulates) leads me to believe very confidently, that the alarm produced among the republicans by the return of Paredes, is for the present at least, entirely unfounded, so far as regards the supposed connection of that event with the introduction of monarchy, in the person of the Duc de Montpensier. Various fables, which I was at first disposed to attach some credit to, have been current here on this subject; and among them, one, representing that a paper was in circulation for signature by the land proprietors, in order to fulfil the condition (3 000 signers from that class) upon which, in conjunction with the requirement that peace should first be made, French intervention has been promised, to

UNAM - IHH

establish monarchy. This, whatever may be the origin of the story, and whether such a paper has been in circulation or not (I am strongly disposed to consider as impostors the persons who have pretended to some of our officers, that it has been presented to them) is at bottom, a sheer invention. No such promise has been made. On the contrary, although, probably enough, Paredes was flattered and courted by the "citizen King", his project received no countenance from either the French or the English government; both refused to have any thing to do with it. Although one of the honestest and bravest men they have ever had, he is a fool and a drunkard; certainly not the sort of person who would be selected by the European courts, to carry on an intrigue of this kind, or to play any part whatever in such a game, unless it were that of a marplot, set to work on a false plan, in order that his absurdities might draw off attention from the real intrigue: It has occurred to me, that this might possibly be the case in the present instance, although the supposition is certainly a very far fetched one.

Although it may be untrue, as I believe it is, that any promise of governmental cooperation from Europe has been received, it is unquestionable that accessions to the Monarchical party are taking place, and that the general bias towards Monarchy as a recourse against anarchy, ascribed by the Republicans to the Moderados, is on the increase; and, distasteful as the idea still is, to a vast majority of the people, a sufficient number may become enlisted on that side, not perhaps to make the issue doubtful if left to themselves, but, to offer the strongest temptation to kingly ambition on the other side of the Atlantic, and to give to its indulgence the air of being in conformity with the national wish. I have been pointedly asked (by one whose sincerity and zeal on the republican side there can be no doubt of, and who visited me for this express purpose, before departing for Queretaro) what course is to be expected of our government, in the event of such a contest; (which he looks upon as inevitable) and whether we would act up to our often repeated declaration against the establishment of monarchy here. I replied, that our country would certainly not permit it to take place by means of foreign intervention, and would regret exceedingly to see it take place at all: but, as he was fully aware, our fundamental principle on this point was, to leave the form of government to be determined upon by every nation for itself; and I was not prepared to say, that this

principle could, under any circumstances, be departed from, even in regard to this country, however weighty the reasons might be arising from her proximity to us. The principle, he said, was a good one; but, it was so easy to mask the most active and effective intervention, that we would find a literal adherence to it, with respect to this country, irreconcilable with the determination to which he had referred. He pressed the question home, very closely and ably; and our conversation ended in my saving, that the point not being touched by my instructions, I must limit myself to bringing it to the notice of my government. This, I would do, and possibly I might hereafter be able to say something definitive upon the subject.

I have stated my conviction, that it depends entirely upon ourselves to give to the annexationists an immediate preponderance here. This effect would, I believe, be almost instantaneous. The whole foreign influence (with very very few exceptions) would at once become active and energetic on this side; the very best and most influential of the native population would come out openly, by hundreds, (and it is to be recollected, that the entire class which comprises those who ever bestow a thought on political affairs, or care any thing about the form of government, does not exceed two millions) and this novel *pronunciamento* would spread like fire over a sunburnt prairie. The anxiety for such a thing is, in many minds, intense and all-engrossing: for it is looked upon as the only possible way of salvation for the country; the only possible means by which the dire necessity can be averted, for its abandonment by all who have the ability to get away, let the sacrifice be ever so great.

Surely, it cannot be a matter of indifference to a nation so elevated in the scale of civilization as yours is, that this country should be totally destroyed, and that it should become an utter desolation, as the preparation for your coming here. That is to become a part of the United States, and this, at no remote period, is certain. Why not at once, today, instead of ten or twenty years hence? You are here already, why not stay? You have certainly done mischief, and placed the country in a far worse condition than she was before: why not do good, and let this worse condition prove but a step to her regeneration, and to the peace and quiet which it depends entirely upon yourselves at once to give her?

UNAM - IIH

This is what has been said to me by a native of Spanish America, (though not of this Republic) born of Spanish parents; one of the best educated men, and most charming characters, I have ever known, who, after passing fifteen years in Europe, chiefly in France and England (whose languages he speaks like a native) enjoying every possible advantage which instruction and travel can afford, was called to this country by the illness of his father, who died, leaving him a large fortune, in a shape which made it entirely optional with him to return to Europe, or to live where he pleased. He has remained here, and engaged in the practice of his profession (medicine) in which he is highly distinguished; and which, as is naturally the case with physicians of this grade, places him on terms the most confidential and unreserved with men of note and families of distinction: the more especially, as his wealth is known to every one, as well as the independence and liberality of his character; and all are aware that he pursues his profession through his fondness for it. And what he said to me, has been said by others; and I know it to be but the expression of a view of the subject very extensively taken, and, of a feeling, which, to become, to all practical intents, universal, requires but a word from our country.

I have been careful not to encourage it; but, on the contrary, to caution the parties against committing themselves, inasmuch as it is altogether uncertain which of the two proposed lines of policy—a continued occupation, or the taking up to a boundary—will be the choice of our country. With respect to the former, I become more and more fully satisfied every day that a force of from 25 to 30,000 men would be fully sufficient; and that the expense could, without difficulty, be met by the revenue produced from the ordinary sources. Apart from the very great difficulties and embarrassments among ourselves, which the policy of continued occupation would necessarily give rise, to, one serious evil, which could not fail to attend it here, has strongly impressed itself upon my mind: I mean, the inoculation of our race with the virus of Spanish corruption in office. I have already seen, among those of us who are here—although they know themselves to be here but for a day, and that the scrutinizing eye of our country is still upon them—proofs of a want of principle, far more than sufficient to show that apt scholars would not be wanting for the school of official morals to which I have referred.

Among the minor incidents of this most wonderful drama, is a plan to avail themselves for our presence in this capital, in order to give to the Federal District a government founded on republican principles, in place of the old Spanish municipal institutions, under which it has to this day continued to groan.

I will close with a few words on the subject of Santa Anna. Conversation with his familiars, since our entrance into the city, has only served to add to the strength of a conviction previously entertained, and that did not at all require corroboration; which is, that of Santa Anna had been, at the recent juncture, the man he once was, we should, before this, have had a treaty negotiated, and he would now be firmly fixed in power. But, at the very crisis of his destiny, his heart failed him; and although, to the last moment, urged up to it by some in whom he had great confidence, he could not bring himself to take the plunge into his Rubicon. The design which he had for some time meditated, and had brought himself to believe that he had resolved to carry out, found him, when the hour arrived, irresolute and vacillating; and, instead of taking the question of peace entirely into his own hands, he allowed himself to be carried along by the flood of circumstances, into staking all upon a firmness as, to be sure, put to a most severe test: for threaten-battle which every one felt sure that he would lose. His firmness as, to be sure, put to a most severe test: for, threatening communications, official and private, were pouring in upon him from all quarters; from the State Governments and from individuals. Those, however, who best knew him, and who were around him during the crisis, believe that he would have stood firm against all this, but for the influence exercised over him, to the amazement of all, by one man: General Tornel, a person universally condemned, and most justly so.

I am [etc.].

Manning, *op. cit.*, Vol. VIII, p. 958-964.

25 de octubre de 1847. Washington. J. Buchanan a N. Trist.

Por el despacho número 15 se han enterado de que había

ofrecido a los comisionados mexicanos establecer la frontera por una línea que causaría la cesión por parte de los Estados Unidos de una parte del Estado de Texas entre el río Grande y el Nueces, y también la porción de Alta California que se encontraba al sur del paralelo 33 entre el Colorado y el Océano Pacífico y que, si se aceptaba México transmitiría esa proposición a Washington y propondría al general Scott que continuara el armisticio hasta que contestaran de Washington.

Sentían sobremanera que se hubiera extralimitado en sus instrucciones y que ignorara el ultimátum a que se debía limitar.

Texas estaba disfrutando de una paz completa en su jurisdicción y había hecho fuertes gastos para emprender concesiones de tierras inmensas y disfrutaba además de sus derechos soberanos en el territorio como en cualquier otra parte de su territorio en 1845. Se había creado el puerto de Corpus Christi y, en 1846, se estableció el servicio de correo entre sus diversos territorios, pero además fueron representantes al congreso de los Estados Unidos en calidad de emisarios de los distritos congregacionales.

No se podía ceder ese territorio de Texas y considerando el carácter enérgico y emprendedor del pueblo americano sería imposible expulsar por la fuerza a los habitantes que se habían establecido entre el río Grande y el Nueces para producir en esa zona un desierto con el sólo fin de proteger la frontera mexicana.

También sintió el presidente que se atreviera a pensar en la posibilidad de ceder alguna parte de Alta California a México. Si se hiciera correr la frontera desde el Colorado hacia el Pacífico por el paralelo 33 la bahía y el puerto de San Diego quedarían en manos mexicanas. Por estar a cinco grados al sur, se consideraba que tenía tanta importancia como el puerto de San Francisco. Precisamente para quitar de en medio cualquier polémica sobre el lugar apropiado para dividir Alta y Baja California se le dieron instrucciones en que se le hacía ver que si no concedían la Baja California cuando menos se debería establecer la línea al norte del paralelo 32 y al sur de San Miguel en el Pacífico.

Haber detenido la marcha de las fuerzas norteamericanas a las puertas de México y haber dado ocasión para que el ejército mexicano se rehiciera mientras hacían las nuevas proposiciones dirigidas al gobierno norteamericano y eso resultaba verdaderamente "unfortunate".

Con estas consideraciones el presidente mandaba que se le reafirmara la orden de retiro inmediato del país.

Mexico. Instructions. November 10, 1845-April 6, 1854. Department of State. Vol. 16, doc. núm. 6, p. 79-83. NAW.

320

31 de octubre de 1847. México. N. Trist a J. Buchanan.

Sir:

I transmit herewith a copy of a note addressed by me, under date the 20th instant, to the Minister of Relations, enclosing my reply, under date the 7th September, to the last communication of the Mexican Commissioners. A copy of this reply accompanied my number 16; but, having made some verbal alterations in it, previously to transmitting it to the Minister, I now send a copy containing those alterations, together with a note which I have been led to add to it, in consequence of certain admissions contained in a recent pamphlet from the pen of Señor Otero, a member of the present Congress, and one of the most able public men of the country...

Knowing that private opportunities for Queretaro are frequently occurring, and that Mr. Thornton of the British Legation (now acting as chargé d'affaires, since the departure of Mr. Bankhead, and until the arrival of Mr. Doyle, who is expected next month) is generally apprised of them, I placed my note to the Minister of Relations in his hands, for transmission. I did not anticipate that he would accompany it with any thing from himself, nor was I aware of his having done so, until (day before yesterday, when the hour had arrived for the departure of the courier who was to take dispatch of the 25th instant) Mr. T. sent to me for perusal a note, marked Confidential, that moment received from Señor Rosa, acknowledging the receipt of Mr. T.'s communication transmitting my note; which communication, as would appear from Señor Rosa's reply, urged strongly the prompt renewal of negotiations. This reply, after stating that the pressure of business (he must have his hands full) and the want of certain documents which they wished to

refer to, prevented an immediate answer to my note; and after expressing a very grateful sense of the friendly interest evinced by the British Government; concludes with an assurance that the opportunity will be used to renew the negotiation, but that it must be preceded by certain preliminary "convenciones" (agreements) to secure the rights etc., and the *future* interest of the Republic. What these proposed preliminary agreements are to have reference to, he does not intimate. Probably enough, one of them will be a stipulation binding us never to admit any part of the Republic into our Union, except by consent of Mexico. A stipulation of this kind was proposed, in my conferences with the Mexican Commissioners, and upon my saying that my instructions did not authorize any thing of the sort, or touch the point at all, they stated that an offer to this effect had once been made by our Government, and that it would greatly facilitate the making of a treaty.

There is no news of any importance from Queretaro. Mr. Thornton (and possibly also other members of the diplomatic corps) will shortly set out for that place, in compliance with instructions received some time since, with reference to the contingency which has occurred—the removal of the government. I exceedingly regret, on every account, to lose him. Mr. Bankhead accompanied by Mr. B, left on the 19th instant, in a litter, (his health very much improved, however, I am glad to say) to embark for Havana. I have received from both the most friendly attentions: they evince great attachment to our country.

My separation from my family has already extended to double the time that was anticipated when I so precipitately left home, and I have the strongest desire to return. Under the circumstances and prospects of *the moment*, it is my duty to remain; but it will very soon be determined whether we are to make a treaty with the present administration; and it will be made very promptly, if made at all. Should the question be referred to that which is to come in under the elections now taking place (as I fear that it will be, through with some hopes of a contrary result) I cannot possibly continue hanging on here for an indefinite period. The new Congress (the elections for which, thus far, are very encouraging) is to meet in January; the road will soon be safe, and the season is very propitious for my successor to come, should it be deemed advisable to keep any one here. I trust, therefore, to receive, so soon as a reply to this request

can be sent, permission to withdraw at once, should the state of affairs, at the time it reaches me, be such as to afford no prospect of the subject's being acted upon until the new administration come in. I have never evinced any disregard of the public interests, and this may be safely left to my discretion.

I am [etc.].

P.S. Your dispatches sent through the War Department by Colonel Wilson, (who died at Vera Cruz) being those of the 13th (a duplicate) and 19th of July, came to hand today, sent by Colonel Childs from Jalapa.

Manning, *op. cit.*, Vol. VIII, p. 969-970.

321

31 de octubre de 1847. Querétaro. Luis de la Rosa, secretario de Relaciones a N. Trist (traducción de la época).

The Undersigned, Minister of Foreign Relation of the Mexican Republic, has had the honor to receive the note, under date the 20th ultimo, addressed to him His Excellency Nicholas Trist, Commissioner of the United States of America, clothed with Full Powers to conclude a Treaty of Peace with the said Republic. The Undersigned has received also, the note of H. E. Mr. Trist, in reply to that addressed to him, under date the 6th September, by their Excellencies the Commissioners on the part of Mexico for negotiating a peace.

Although the two documents referred to leave but little hope that peace may be reestablished, the Undersigned can assure H. E. Mr. Trist, that the Government of Mexico is animated by the same ardent wish as His Excellency, for the cessation of a war, the calamities of which now bear heavily upon this Republic; and the consequences of which will, sooner or later, make themselves felt by the United States of America.

The Undersigned will, in consequence, have the honor, in the course of a few days, to advise H. E. Mr. Trist, of the appointment of Commissioners to continue the negotiation for peace, to whom will be given instructions for the previous adjustment of an armistice, which, the Government

of the undersigned believes, will conduce greatly to the good result of the said negotiations.

The undersigned offers [etc.].

Manning, *op. cit.*, Vol. VIII, p. 971.

322

7 de noviembre de 1847. México. N. Trist a J. Buchanan.

Sir:

Referring to my number -9, a duplicate of which is herein enclosed; I have the honor now to transmit a copy and translation of the reply of Señor Rosa, under date the 31st ultimo, to my note of the 20th.

The express by which this is to go (a private one) I did not hear of until this evening, and I must now close.

I am [etc.].

Manning, *op. cit.*, Vol. VIII, p. 972-973.

323

15 de noviembre de 1847. Londres. Mora a Palmerston.

Le comentaba que la situación de México era de gravedad, pues, a pesar de que la capital estaba ocupada, los puertos bloqueados, consumidos los recursos, cortos de oficiales y faltos de material de guerra se había rehusado el gobierno a los términos de paz que ofrecieron los Estados Unidos.

Todas las clases sociales y todos los partidos estaban dispuestos a rechazar la invasión por medio de la resistencia que se prolongaría indefinidamente.

México, además de poseer un buen comercio era productor de metales y todo ello debía de interesar a los países neutros. La zona ocupada, si bien era la más importante del país, era mínima en extensión y los Estados Unidos no podrían cubrir más terreno del que ocupaban con la fuerza

de que disponían pues además tenían que enfrentarse a las guerrillas que siempre estaban encima de ellos.

México todavía retenía todos sus metales aunque su explotación no se permitía a causa de la lucha que tenía lugar y que por desgracia podía prolongarse durante largo tiempo imponiendo la total inactividad. En tal estado de cosas "parece natural, por parte de México, el solicitar de las naciones amigas la ayuda que puedan y quieran prestarle para hacer cesar tan penoso estado de cosas".

Esperaba que Inglaterra hiciera insinuaciones y diera consejos con intimidaciones de manera reservadísima y sólo de palabra a Washington y Mora continuaba diciendo que: "seguro como lo está de la buena disposición en orden a México se atreve a suplicarle, y no duda será con buen éxito, emplee todo su poder e influencia por el camino indicado, en inducir al gabinete de Washington a la terminación de la guerra, por proposiciones hechas a México, más aceptables que las que han sido desechadas" en la seguridad de que el pueblo y el gobierno mexicanos aceptarán "los consejos e insinuaciones que no recibirán de otro alguno" sino de Inglaterra.

Pero juzgado el momento por la conducta pasada de los Estados Unidos con España y México se preguntaba Mora si un tratado sería suficiente garantía.

"Lo que se ve claro, a no poderlo dudar, es que los Estados Unidos por tendencias que le son propias, y por una fuerza expansiva, que bajo un aspecto depende de su constitución social, y bajo otro resulta de las exigencias de los partidos políticos, están por su naturaleza destinados a extenderse en todas direcciones con el perjuicio de sus vecinos".

En vista de ello no consideraba que los tratados fueran un tope para que no se extendieran y había que interponer entre ellos y México una potencia respetable que hiciera cumplir los tratados. Crear esa potencia en el territorio no daría buen resultado porque no tendría, por joven, la fuerza suficiente y, además, porque tarde o temprano se adheriría a los Estados Unidos igual que lo hizo Texas dejando a México en igual o peor situación.

Mora consideraba que "podría no ser desventajoso al gobierno de su Majestad la adopción de semejante medida" y ser garante.

Chávez Orozco, *La gestión diplomática del Dr. Mora*, p. 28-33.

324

17 de noviembre de 1847. Londres. Mora a Palmerston.

Por las últimas comunicaciones del gobierno mexicano estaba autorizado a solicitar y a admitir la mediación de Inglaterra en el problema con los Estados Unidos y también para "desmentir la vulgaridad que ha corrido sin contradicción de que el gobierno mexicano desechó en julio próximo pasado este ofrecimiento, comedido y amistoso, que se había hecho por parte de la Gran Bretaña al principio de la guerra".

Además su gobierno le hacía protestar la buena disposición en que se encontraba de admitir y escuchar los consejos e indicaciones ingleses y de cultivar la mejor inteligencia con ellos.

Chávez Orozco, *La gestión diplomática del Dr. Mora*, p. 35-36.

325

19 de noviembre de 1847. Washington. J. Buchanan a Justo Sierra.

Acusa recibo de la nota en que anuncia haber llegado a la ciudad pidiendo cita. Tendrá mucho gusto en recibirlo en el Departamento de Estado el 22 a las doce del día.

Mexican Legation. Notes to. July 1, 1834-October 30, 1854. Department of State. Vol. 6, p. 186. NAW.

326

22 de noviembre de 1847. Querétaro. Edward Thornton encargado de negocios británico a N. Trist.

Sir:

I have the honor to transmit herewith to you, at the request of Señor de la Peña y Peña, Mexican Minister of Foreign Relations, a note addressed to you by His Excel-

lency, announcing the nomination, in consequence of the readiness expressed by you to receive them, of Commissioners for the purpose of negotiating a Treaty of Peace with you. I beg leave to express my earnest hope that the promptness with which step has been taken by the Mexican Government after the election of General Anaya to fulfilment of the great object which the Commissioners have in view.

I have the honor [etc.].

Manning, *op. cit.*, Vol. VIII, p. 973.

327

22 de noviembre de 1847. Querétaro. M. de la Peña y Peña a N. Trist (traducción de la época).

The undersigned Minister of Affairs [Domestic and Foreign?] of the Mexican Government has the honor to address this note to His Excellency M. Nicholas Trist, Commissioner of the United States of North America, informing him that the Provisional Government of the President of the Supreme Court of Justice of Mexico having come to an end with the election of the President of the Republic *pro tempore* General Don Pedro Maria Anaya and the undersigned having been appointed by His Excellency to the office of this Ministry of Affairs, the new President immediately took up the matter of informing himself of the latest replies exchanged between His Excellency Mr. Trist and this Ministry.

Seeing therein the ardent desire which His Excellency Mr. Trist declares that he has to bring an end to the calamities of the war which unhappily divides the two Republics and seeing that the appointment of commissioners for this purpose on Mexico's part was pending, as the President of the Supreme Court did not make such appointment on account of that temporary character of his Government, the present President has determined to select again the two gentlemen already chosen, Don Bernardo Couto and Don Miguel Atristain; and since Don José Joaquín Herrera and Don Ignacio Mora y Villamil cannot continue on this commission, the former because he is most seriously ill and the latter because he is in charge of the Ministry of War, he has appointed, to

replace these two persons, General Don Manuel Rincon and Don Luis Gonzaga Cuevas, to whom the corresponding communications have been made through the undersigned.

But as these gentlemen are in different parts of the Republic, although not very far from this City, they have been advised to come here immediately to receive instructions with regard to this Commission, and on receipt of such instructions, they will advise His Excellency Mr. Trist thereof, in order that, with the due requirements, the conferences which were left pending may be continued and result in the happy outcome of an honorable and advantageous peace.

The undersigned sincerely unites his desires with those of His Excellency Mr. Trist that the powers conferred may not be useless or in vain, and on this occasion etc.

Manning, *op. cit.*, Vol. VIII, p. 973-974.

328

24 de noviembre de 1847. México. N. Trist a M. de la Peña.

The Undersigned has the honor to acknowledge the receipt of the note under date the 22nd instant, of H. E. Don Manuel de la Peña y Peña, Minister of Relations of the Mexican Government acquainting him to the appointment of the commissioner therein named, to negotiate for the restoration of Peace. The Undersigned regrets to say in reply that the Powers conferred upon him for that purpose have been revoked, and that, agreeably to the instructions received by him, he is under the necessity of returning without delay to the U. S.—At the same time he has been instructed to say, that any comm from the Mexican Government, having for its object the opening of negotiations or the restoration of peace, will be immediately transmitted by the commdg General of the U. S. forces in this Republic, to Washington, where it will receive the prompt consideration of the President.

The Undersigned still cherishes, therefore, the hope that the signature of the Treaty, which has been reserved for another hand than his, is destined to take place at an early day. In this hope he tenders to...

Maning, *op. cit.*, Vol. VIII, p. 980.

24 de noviembre de 1847. Washington. J. Sierra comisionado de Yucatán a J. Buchanan (traducción de la época).

Sir :

On the occasion of the reception which you were pleased to grant to me, on Monday 22nd instant I placed in your hands, the credentials of my appointment as commissioner, and special agent of the Government of Yucatan, near that of the United States, which you deigned to accept, with your characteristic kindness, and courtesy. In short conference between us, you admitted as most expeditious, and simple, the plan that I should present the points, which the Government of Yucatan might have to expose to the just consideration of the Government of the United States, in a series of Memorials, in order that you and the National Government, being thus minutely informed with regard to them, such measures might be taken as should be considered most just and conformable, with the policy of the United States. According to this agreement, I am about to present you the first Memorial, before doing which however, you will permit me to exhibit a slight sketch of the political situation of Yucatan, which is the more necessary, as I observe with regret in some news-papers of the Union, that an exact idea does not seem to prevail, with regard to it, or at least that the dignity and good faith of the people have been forgotten as well as the extent of the sacrifices which they have made, and will continue to make in order to preserve their actual position, maintaining the most rigid, and honest neutrality in the war, now existing, between Mexico and the United States.

Yucatan Sir has been an integrant part of the Mexican Nation, ever since the consummation in 1821 of its political independence, of Spain, of which it was like the other provinces of New Spain, a colony. Being in full and absolute liberty to do whatsoever might seem most suitable for her interests, and welfare, Yucatan incorporated herself spontaneously, in the New Nation, until the dissolution of the ephemeral Empire founded by Don Augustín de Iturbide. Not knowing the course which the affairs of Mexico might take, she then remained independant her internal administration, being conducted in all respects agreeably to the Re-

publican system, while awaiting with calmness and prudence the termination of the discussions of the Constituent Mexican Congress, which was assembled in the latter part of the year 1823. The result of these discussions was the compact of October 4th 1824, which founded the Confederacy of the Mexican United States; and this compact was deliberately succeeded each other without interruption, bearing down the New Republic. If by this act immature indeed, she ceased to enjoy all the exceptions to which she might and should have aspired, from her geographical position from her *poverty* and from various other moral and material elements, comprehended within herself; it was nevertheless believed that she might thus better develop the principles of that beautiful theory, which has made the Republic founded by the immortal Washington, a free great happy and powerful Nation, and that her social condition would continue improving. In this she was sadly deceived. You Mr. Secretary well know to what extreme the folly and the delinquencies of those, who have been charged with the direction of the affairs of Mexico, have brought the adjoining Republic. The fate of the Mexican people worthy indeed of a better lot, has constantly depended on the military faction which have succeeded each other without interruption, bearing down the Republic, pillaging it, and turning it to their own advantage, in every way, until it has at length been left without blood, and without like. One of these factions destroyed the Federal Compact, and by the most base and unworthy abuse of force, by the excesses of a brutal soldiery, misguided by a crowd of Generals, and other officers, brave men for the most part, when engaged in oppressing their fellow citizens, the Mexican Republic fell prostrate and powerless. Yucatan underwent the same fate, with the other states; but it was not without a powerful effort. In 1840, her people broke out in insurrection, beat the forces of Mexico, and proclaimed the Federal system, compatible with Union. In the meantime she separated herself from Mexico, she formed a constitution worthy of the most civilized people, and proclaimed the most sane and clearly established principles, preferring to suffer all the acts of injustice, of the Mexican Government, all the oppression and abuses of the faction in power, rather than desist from one of its just pretensions. What did the Mexican Government, or rather General Santa Anna, who had constituted himself the Supreme Dictator of the Republic, do under these circumstances? The whole World knows: the

United States well know, as they unanimously applauded and bestowed the upmost encomiums on the honor the valor and the energetic constancy of the people of Yucatan, in resisting an army of eleven thousand men, and a squadron such as Mexico had never before possessed; nay more than resisting them, as the enemy were met, and the conditions of peace were dictated to them.

This peace was based on the Convention of December 14th 1843, which secured to Yucatan the first and most essential exceptions, to which she was rightfully entitled, and especially relieved her from the immediate influence, of the military force, the only means employed by the Mexican Government, for the oppression of the people. On these bases, she accepted incorporation, consenting to follow the lot of Mexico; but General Santa Anna blindly and obstinately violated the convention of December, on the first occasion, he caused the order of February 21st 1844, to be issued, closing the ports of the Republic against the principal productions of the soil, and industry of Yucatan, and subjected the country to new and more unjust vexations. Yucatan remonstrated against these acts of violence, she protested in the most solemn manner, and would not engage in another war, because some hope was entertained that justice would be done to the country. Vain was this hope! In stead of obtaining what was so justly demanded, the people learned with indignation, that the Convention of December, though containing the express provision that it should not be subjected to alteration, had been discussed in the Chamber of Deputies, and that this body had gone so far as to declare it null, void, and of no force. Yucatan then made a solemn declaration of January 1st 1846, whereby she resumed her sovereignty, and convoked an extraordinary Congress; to fix definitively the destiny of the Country.

The war now existing between Mexico and the United States, then came on. The Mexican Government took some measures, and even sent Col Don Juan Cano, to induce Yucatan to co-operate in the war. Yucatan openly resisted, a pretension so absurd, and untimely; and refused to make a sacrifice, which besides being entirely useless to Mexico, and immensely prejudicial to Yucatan, as she desired to preserve her commerce and friendly relations with the United States, offered no other result, than the renewal of the war, so soon as Mexico should find herself in a situation, to attack Yucatan; as it was clearly seen ad proved, that only

in consequence of the critical position in which the Mexican Governments had placed itself towards the United States, did it endeavor to draw Yucatan, and compromise her, in this unfortunate struggle. Don Juan Cano returned to Mexico, bearing the decided negative of the Government of Yucatan.

At that time, unhappily for my poor country, the fatal man, who has caused the misfortunes of Mexico, was in exile in the neighboring Island of Cuba. General Santa Anna, by intrigues and management, induced some influential persons in Yucatan to believe, that some moral force and the support of the public opinion of the Country, was necessary to overthrow General Paredes, who was laboring for the establishment of a Foreign Monarch, and to make an honorable peace with the United States, which he was certain to be enabled to effect. The Men in power believed him in good faith, and caused the extraordinary Congress to issue the decree of 25th of August 1846, by which Santa Anna was proclaimed President of the Mexican Republic. The people of Yucatan however resisted such a declaration, which would involve them again in the disturbances of Mexico: they arose and proclaimed the program of the 8th of December last, declaring that it was not their desire to follow the lot of Mexico, in the present war. The existing Government was then organized, which sent first Don Jose Robira, and then me, to repeat these sentiments to the Government of the United States, for though one or another insignificant and senseless faction, may have endeavored to oppose the progress of the legitimate Government of Yucatan, they have been immediately and energetically repressed, without effecting anything else, by their plans, than to excite some barbarous tribes, to make a savage war on the white race. I have in my possession, despatches from my Government, dated 26th October last, fully sustaining this assertion.

You have thus Sir, presented to you, a slight but exact sketch of the political situation of Yucatan, which will probably end in a formal declaration of its absolute independence, as may be agreed by a convention summoned according to the plan of the 8th of December last; but for the meeting of which, the time has not yet arrived.

Don Jose Robira, executed the honorable Mission confided to him, to the entire satisfaction of my Government. He spoke freely and at length with Y. E., declared in the name of the Government of Yucatan, the firm resolution

of that people, not to follow the lot of Mexico, but to remain neutral in the present contest; offering to proceed in this matter, in the most frank and honorable manner, and to oppose any faction which, either under the influence of the senseless views of General Santa Anna, or guided by their own base and personal passions, should attempt to disturb the order of things, established in the country, or to endanger its pacific relations with the United States. The Government of Yucatan has thus acted, not from any mean or dishonorable motive, but in order to secure the interests of the Country; not from servile fear, of which no one has a right to accuse a people who have given such heroic, and repeated proofs of civic and military valor, but because it is their first duty, to see to their own preservation, provided it be not by base or dishonorable means: and certainly it is not base or dishonorable, to resist a participation in the fatal results of a war, on the side of those, from whom Yucatan has received nothing but repeated acts of injustice. Upon what grounds could my Country be reproached for such conduct?

Nevertheless Mr Secretary, the Port of Laguna de Terminos, belonging to the State of Yucatan, and all its dependencies have been occupied in a Military manner, by the Naval forces of the United States, since the acknowledgment and acceptance of the neutrality of Yucatan: and what is more injurious to our small and insignificant vessels, and the fruits of our soil and industry, a duty has been laid on them, so exorbitant and ruinous, as to be in many cases greater than the value of the goods themselves introduced. This is one of the points which the Government of Yucatan has charged me to submit to the justice, and the correct principles of the Government of the United States; and to this object the present note is directed, which I earnestly pray the Honbl Mr Buchanan, to consider, and to give me notice, in the manner which he may judge most convenient, of the resolution taken by the National Government, on a subject of the most vital importance to Yucatan.

The City of Carmen (Laguna) from its insular position is separated from the main-land of Yucatan; and the people of Yucatan have great interests there, invested in Commercial houses, and industrial enterprises. Its relations extend to all the neighboring towns, and farms in the territory of Yucatan, and even to those situated in the province of Peten, and the Republic of Guatemala. Consider Sir, how ruin-

uos and destructive must be a tariff of duties, so extremely onerous, on effects and merchandize introduced from absolute necessity into Carmen; for on this introduction depend literally speaking, the preservation of the enterprises of the Citizens of Yucatan, at that place. In the dependencies of the Laguna de Terminos, nothing is produced but Campeachy wood; and everything for the subsistence of the people, must be introduced from the Continent. The condition of Laguna, and of the interests at that place, is rendered infinitely worse than that of the Ports of Mexico, occupied by the forces of the United States.

I have just been in Vera Cruz and in Tampico, and I know from information there received, from sure and certain sources, that all the productions and goods coming from the interior of Mexico, from places subject to Mexico, and consequently inimical to the United States, pay them the lowest duties, while at Laguna, from the mere physical and natural necessity, and our little vessels, are charged with duties so heavy, and ruinous; Why is this difference Mr Secretary? Why is Yucatan, whose neutrality is acknowledged, treated in a manner by no means equal to that, in which places occupied by the enemy, are regarded, when it has on the contrary, so much right to the consideration of the United States? Even though the military occupation of Laguna were explained, by no means can a tariff of duties be defended, the produce of which forms but an atom in the immensity of the vast and powerful resources of the United States, but which to my Country, causes incalculable loss and injury, not the least being that of its affording pretexts to one or another faction, for embarrassing the Government of Yucatan, in the course which it proposes to pursue, and will pursue in the present war. All this has been stated verbally, and in writing to Commodore Perry whom I had the honor by order of my Government, to visit, on board of the Sloop of War Germantown, off Vera Cruz, in the latter part of September. The Commodore will no doubt have taken into consideration, the powerful reasons alleged by the Government of Yucatan, and I hope that they will be received favorably by the Government of the United States.

Other inconveniencias no less serious and important, arise from this state of things. In Laguna, there is no Court of Justice, nor district nor circuit Judge, nor anything in fine equivalent to an institution, so necessary to guaranty, the rights of individuals. The decision on confiscations flow

UNAM - IHH

from the authority of the military Governor, without any resource or appeal to any court whatsoever. I do not mean by this to say, that the gentleman who now performs the functions of Governor of Laguna, fails in the observance of the most rigid principles of equity, or does not punctually follow the regulations in force, on such matters; but in addition to the inconvenience of this state of things, the Governor may err in the application of those regulations, in which case, the aggrieved party has no resource. This has just happened, and the victim is an unfortunate and honorable trader of Yucatan, Jose Jesus Cotaya, who has been suddenly reduced to misery, after many years of labor, by an omission almost involuntary on his part, in making a declaration of the goods, which he was bringing from Campeachy, to Laguna, in a canoe or small vessel under his care. On this point, I shall address Y. E. separately in another note, accompanied by the proofs of the claim of Cotaya.

The Government of Yucatan knows that the motive alleged for the military occupation of Laguna, is to prevent the Contraband trade, which might be carried on through the interior routes, with the adjoining state of Tabasco. This contraband trade is not impossible; as Y. E. well knows that self interest and desire for gain, are so powerful, with many individuals, that they are in many cases not to be withheld, by the distant consideration, that their conduct might injure their country. This is not the fault of any Government, so long as it employs all the means to prevent it. This might be effected without giving to the Government and people of Yucatan, reason to regard the occupation of the Island of Carmen, as a moral attack on their honor and dignity, and a physical attack on their material interests; whilst they on the contrary regard that occupation as entirely useless, and ineffectual, for the object proposed by the United States, in the present war with Mexico. The Government of Yucatan therefore authorizes me, to solicit from the justice of the Government of the United States, the cessation of the occupation of the Island; promising on its part to display the utmost zeal, activity and efficiency, in the repression of the contraband trade, leaving the vessels of the American squadron, which the Government of the United States may think proper to maintain at that Port, and its dependencies, free to co-operate in such suppression. Our Government desires the cessation of the occupation of the Island, not only because it considers this to be in all respects just, but because

it disapproves in fine, of this ominous tariff of duties, which weighs upon our little vessels, and upon the produce of the soil of Yucatan, whose citizens suffer in their own homes from a ruinous tax, laid upon them by a friendly nation, from whose justice they confidently hope for reparation of these evils.

I have the honor to solicit this from Y. E., and at the same time to offer you, all the respect and consideration, with which I have the honor to be, Y. E.'s most obedient servant—

Manning, *op. cit.*, vol. VIII, p. 974-980.

330

27 de noviembre de 1847. México. N. Trist a J. Buchanan.

Sir:

I have the honor to acknowledge the receipt, on the 16th instant, by a courier from Vera Cruz, of your despatch of the 25th ultimo accompanied by the triplicate of that of the 6th of the same month the original of which was delivered to me on the evening of the next day by Mr Smyth, the bearer of despatches. The duplicate has not yet come to hand. It probably forms part of the large mail, which, agreeably to the intelligence received here, left Vera Cruz, in company with General Patterson, who had stopped at Jalapa.

On a future occasion perhaps, should I ever find time to employ on a theme so insignificant with respect to the public interest, and so unimportant in my own eyes, so far as regards its bearings upon myself personally, I may exercise the privilege of examining the grounds for the censure cast upon my course, by the President, and explaining those upon which rests the belief still entertained by me, that that course was calculated to attain the end contemplated by our Government, and was the only one, which afforded the slightest possibility of its being attained: the end I mean of bringing about a Treaty of Peace, on the basis in all material respects of the Project entrusted to me. For the present, I will merely call attention to the fact that a mere offer to *refer a question* to my government, constitutes the only ground, on which I

can be charged with having "gone so far beyond the carefully considered——to which [I was] limited by my instructions". Whether this offer under the circumstances and prospects of the crisis, when it was made, was wise or unwise, I mean with reference to the end desired by our Government—is a question which no longer possesses any practical importance; though the time was, when it constituted with me a subject of the most careful, and the most anxious deliberation, not because of the personal responsibility attaching to the decision in which that deliberation resulted—for that never occupied my mind, for an instant—but because I knew and I *felt* that, upon my own decision depended according to every human probability, the early cessation of the war, or its indefinite protraction. The alternative presented by the position in which I found myself was, on the one hand, to keep on safe ground so far as I was personally concerned, and destroy the only possible chance for a peace on the other hand, to assume responsibility, and keep that chance alive, with *some* prospect at least—and, all things considered, as perhaps I may hereafter take the trouble to show, by no means a prospect to be despised, under such circumstances—that the adoption of our Project, might come to pass.

Before quitting the subject, I will call attention to the letter of Don Vicente Romero, contained in the "Razonador" of the 13th instant—It was the reading of this letter in Congress on the 4th instant, by Don Eligio Romero, son of the writer, as the ground for the motion with which it concludes, that gave rise to the statement mentioned in my number 20 (a duplicate of which is herein inclosed) respecting General Mora y Villamil. The Romeros are both ultra Puros, the father was a member of Santa Anna's Cabinet, as Minister of Justice, at the time when the negotiation took place. The letter it will be perceived, concludes its attack upon the Peña y Peña Administration, by saying, "and in fine General Mora y Villamil is the person appointed to the post of Minister of War, he who has been avowed the *Apostle of Peace*, and so decided is this character that in a meeting of the Cabinet, of which was a member, he said, he being at the time one of the Commission, appointed to receive the propositions of the Envoy of the North, "*That he had been for many years, in favor of peace, and that this ought to be made, by adopting the propositions made by Trist*" in which (let it be known by the bye) *the other commissioners*, (Couto

and Atristain) concurred, except Señor Herrera, who did not say a word.["]]

The fact here published to the world, by a member of Santa Anna's cabinet, was previously well known (as such a fact, could scarcely fail to be) to all the initiated here; and that this was the disposition of the commission—of the commission—was, independently of what had passed in the cabinet, known to their confidential friends. In addition to this fact, I will state another, one of the same complexion, well known in the select political circles here, to wit: that, so late as late in the night of Saturday, the 4th of September, Santa Anna was still undecided whether he would or would not give to those very Commissioners whose opinion had thus been declared in full Cabinet, *a carte blanche*, to negotiate with me such treaty as they might deem proper. I will now turn from all this, to something more important: the *present* state of things and the possibilities which it affords.

Upon perusing your two despatches above referred to, my first thought was immediately to address a note to the Mexican Government, advising them of the inutility of pursuing their intention to appoint Commissioners to meet me. On reflection, however, the depressing influence which this would exercise upon the peace-party, and the exhilaration which it would produce among the opposition, being perfectly manifest, I determined to postpone making this communication officially, and meanwhile privately to advise the leading men of the party here and at Queretaro of the instructions which I had received. Their spirits had, for the last few days, been very much raised by the course of events at Queretaro; and one of them (the second of the two heads mentioned in a late despatch) called on me, on the very day after your despatches came to hand, for the purpose of communicating "the good news" and making known the "brightening prospects". Upon my saying that it was all too late and telling what instructions I had received, his countenance fell, and flat despair succeeded to the cheeriness with which he had accosted me. The same depression has been evinced by every one of them, that I have conversed with; whilst joy has been the effect with those of the opposite party, who have approached me to enquire into the truth of the newspaper statement from the union. By both parties the Peace-men were considered as flooded; this was the *coup de grace* for them.

Mr Thornton was to set out (as he did) the next morn-

ing for Queretaro; and I availed myself of this, privately to apprise the members of the Government of the state of things, with reference to which their exertions in favor of peace must now be directed, and to exhort them not to give up, as those here had at first seemed strongly disposed to do, and as it was believed here, that those at Queretaro would at once do. Fortunately, however, when the news reached there they had just taken in a strong dose of confidence—the result of the meeting of the Governors—which has served to brace them against its stunning effect. Mr Thornton left here on the 17th, and was to complete his journey on the evening of the 21st—Before he had reached there, I was privately advised here of the appointment of the commissioners named in the official note from the Minister of relations, under date the 22d, herein enclosed, together with a copy of my reply to the same which was despatched from Queretaro on the morning of that day. Their extreme anxiety on the subject may be judged of from the fact, that I have received already the same communication in duplicate and triplicate. The peace-men did not cease for several days to implore me to remain in the country, at least until Mr. Parrott shall have arrived with the despatches of which report makes him the bearer. To these entreaties, however, I have turned a deaf ear, stating the absolute impossibility that those despatches should bring any thing to change my position in the slightest degree. General Scott at once said that he would despatch a train at any time I might name. And I should have set out before this but for two considerations; one that the garrison here is already so small that its duties are exceedingly oppressive to both officers and men and the matter would be made still worse by the detachment of another escort; the other, that General Scott has been engaged during the whole time that was not employed in the discharge of his current duties, in drawing up charges against General Pillow and others, which had first to be done before my testimony (that is highly important) could be taken in the case. For these reasons, I determined to postpone my departure until the return of the train under L. Colonel Johnson, which is expected on the 4th or 5th of next month. Should it be delayed beyond that time, and should any reinforcement have arrived here or be near, I will set out immediately after. It will take us twelve days at least to reach Vera Cruz.

I recommended to the peace men to send immediately through General Scott whatever propositions they may have

to make, or to despatch one or more commissioners with me. After full conversations on the subject, however, I became thoroughly satisfied of the impracticability of either plans: it would, to certainty, have the effect of breaking them down. The only possible way in which a treaty can be made is, to have work done on the spot: negotiation and ratification to take place at one dash. The complexion of the new Congress, which is to meet at Queretaro on the 8th of January, is highly favorable. This will be the last chance for a treaty. I would recommend, therefore, the immediate appointment

of a commission on our part.

I am [etc.].

Manning, *op. cit.*, Vol. VIII, p. 880-883.

331

30 de noviembre de 1847. Londres. Mora a su gobierno.

En cuanto recibió la nota de 27 de septiembre fechada en Toluca pidió audiencia a Palmerston.

La entrevista tuvo lugar el 15 del corriente y Palmerston prometió hacer cuanto pudiera por la causa de México siempre que fuera compatible con la neutralidad que el gobierno inglés mantenía sobre el asunto.

A insistencia suya Palmerston dijo que cuando había buena disposición, había muchas ocasiones aprovechables y que el servicio más positivo y eficaz sería la mediación ofrecida por el gobierno británico, que fue desechada en forma poco cortés, pero si no era por una mediación podía influirse en forma de consejos e insinuaciones y en ese sentido haría todo lo posible en Washington con el fin de conseguir el fin de la guerra en la forma menos gravosa para México. Los resultados positivos de la conversación fueron que el gobierno británico estaba deseoso de ser útil a México y que esos deseos se transformarían en actos que sucedieran entre la legación británica y el gobierno norteamericano.

En cuanto a la garantía de los límites territoriales de México que se solicitó y que hubieran de fijarse por el tratado que terminara la guerra, Inglaterra se hizo atrás definitivamente por el "motivo de que la Inglaterra no tenía ni

podía presentar título para injerirse en este negocio como parte contratante y a mi juicio porque no se quiere recibir un desaire de parte de los Estados Unidos”.

También hablaron del peligro que correría México aun después de firmarse la paz y de la posibilidad de que los mismos motivos causantes de la guerra pudieran acarrearlos a otra, cuando los norteamericanos se hubieran acercado al centro poblado de México y especularon sobre las posibilidades que habría de evitar estos males. Palmerston llamó la atención del gobierno mexicano sobre la poca cordura con que rehusó el reconocimiento de Texas que, acordado a tiempo, hubiera mantenido a esta nueva república separada de los Estados Unidos e interpuesta entre México y ellos, lo que era un medio seguro de evitar colisiones con los Estados Unidos.

En cuanto a la posibilidad de que Inglaterra asegurase el tratado, que Mora consideraba sólo como una tregua para hacer una segunda invasión, los ingleses se negaron a discutir en vista de que no contaba con instrucciones oficiales para tocar una fórmula que el propio gobierno mexicano podría rehusar.

El proyecto de la compra lo lanzó porque con él Inglaterra tendría un título, si se hacía antes del término de la guerra, de esa manera podría poner un inmenso peso en la balanza para resolver la cuestión.

Si el gabinete británico tenía algún interés, aunque fuera para después de que se firmara la paz, éste le llevaría a hacer los esfuerzos más vivos en la conclusión de la paz con prontitud y ventaja.

De todos modos, los Estados Unidos habían “reconocido en México el derecho a vender su territorio de California pues ellos mismos han pretendido comprarlo”.

Chávez Orozco, *La gestión diplomática del Dr. Mora*, p. 36-40.

30 de noviembre de 1847. Londres. Mora a su gobierno.

Había viajado a Francia para hacer la misma propuesta reservada y pedir a ese país que garantizara los límites que se establecieran en el tratado de paz con los Estados Unidos.

Dice que a la vez se dirigió al gobierno francés y "puse en su conocimiento que las tentativas hechas habían quedado sin suceso por la mala voluntad del gobierno francés respecto a México".

Afirmaba que al hacer el viaje no era conocedor de lo que supo después. Que Francia había aceptado por principio de su política que la suerte de México debía ser la de establecer una monarquía o ser agregado a los Estados Unidos.

Cuales sean los motivos de esta regla de conducta no es posible asignarlos de una manera positiva; pero, por presunciones muy fundadas y por antecedentes que para nadie son un misterio, debe creerse que ellas nacen por una parte, del deseo de establecer [en] este gobierno una influencia más pronunciada en México que la que actualmente existe en su favor, la que se lograría por el establecimiento del principio monárquico; o ya que esto no se pueda, robustecer a los Estados Unidos por la anexión de México a ellos y lograr de esta manera dar un golpe al poder de la Inglaterra.

Para ese propósito los franceses aprovecharían toda ocasión que surgiera. En los pasados meses de junio y julio se había concebido un proyecto en París para establecer al duque y a la duquesa de Montpensier en el trono de México con el pretexto de alejar así la discordia surgida entre Inglaterra y Francia a causa de ese matrimonio.

Los partidos favorecedores de la monarquía en México habían escrito a Francia no sólo aceptando, sino pidiendo que el plan se pusiera en práctica. Todavía no se tenía noticia de lo que hubiera sucedido en Francia a consecuencia de la contestación favorable que habían dado los monárquicos mexicanos.

Francia había propuesto el asunto a Inglaterra y Palmerston había contestado "el gobierno de Su Majestad Británica no tiene por conveniente mezclarse en este asunto, que por otra parte, no es de su aprobación".

Chávez Orozco, *La gestión diplomática del Dr. Mora*, p. 40-42.

333

4 de diciembre de 1847. México. N. Trist a E. Thornton, encargado de negocios británico.

My Dear Mr.—This latter will occasion you great

UNAM - IHH

surprise, but no greater than I should myself have experienced a few hours ago, had a seer, in whose prophetic powers I put faith, foretold to me that I was to write it. Down to that moment, I have, from the time when I last wrote to you, considered it as a thing fixed and unchangeable, as absolutely fixed as anything can be, that the Treaty of Peace, which I yet hoped might take place at an early day, was not to be signed by my hand. True, every time the subject presented itself to my mind, my fears had become greater and greater, that the opportunity would be lost. The critical position of the peace party—whose difficulties and whose peril, as we fully know, cannot but augment with every resolving hour, until their object shall have been consummated—had seldom been absent from my thoughts; and every time it occurred to me, I became more and more deeply and anxiously impressed with the probability, that through mere delay, through the mere loss of a few weeks, all their efforts were to prove vain; that the incessant exertions, the indefatigable industry, and the patriotic courage on their part, by which the present state of things has been brought about, were, after all, to result in *nothing*; may, in something far worse than nothing: their own entire prostration and disolution, through flat despair and death to the Sentiment of Peace, in every bosom, which has cherished it. Still, although this has constantly been the state of my mind on the subject, I have never, until a few hours ago, for an instant wavered from the determination expressed in my reply to your letter; never once conceived the *possibility* of a change in that determination. So convinced had all become, that it was fixed beyond the possibility of change, that all entreaties and arguments to move me had long ceased. Nevertheless, it now stands reversed. For good or for evil, this reversal has occurred and has been made known in the proper quarter. I am now resolved, and committed, to carry home with me a Treaty of Peace, if the Mexican Government feel strong enough to venture upon making one, on the basis, as regards boundary, of the Project originally presented by me, modified according to the memorandum which I subsequently gave to one of the commissioners: that is to say, running up the middle of the Rio Bravo from its mouth to the thirty second degree of latitude, and thence along that parallel to the Pacific Ocean; with free access to and from the ocean, through the gulf of California, from and to our possessions.

If they feel able to make and carry through a treaty on

this basis—it would be utterly idle to talk or to think for an instant of any other, and I cannot listen to a single word on the subject—let them say the word, and the treaty shall be made.

If they do not feel thus able, let them surrender at once to the Puros, and dismiss for ever all thought of a treaty; for it is the last chance that Mexico can have for one equally favorable to her, or indeed for one which any party in this country can accept. I am fully persuaded that its terms would not, by any means, meet the views *now* entertained by my government. So decided is my belief on this point, that, even if I were clothed with discretionary powers to make *any* treaty *which I deemed compatible with those views*, I could not, consistently with this limitation offer the terms I now propose; and I should not now make the offer, but for my clear and perfect conviction on these three points: *first*, that peace is still the desire of my government; *secondly*, that, if the present opportunity be not seized *at once*, all chance for making a treaty *at all* will be lost for an indefinite period, probably for ever; *thirdly*, that this is the utmost point to which the Mexican Government can, by any possibility venture.

It is my conviction on the second of these points particularly—a conviction which has been becoming clearer and stronger every day for the last fortnight—that causes me to depart from the determination I had taken a determination which, in any other position than the one wherein this most extraordinary, this altogether unprecedented, combination of circumstances places me, with reference to the known wishes of my government and country,—places, indeed, that very country itself—it would be so obviously my duty to allow nothing to shake. In my last despatch home, I represented the nature of the crisis, and recommended the immediate appointment of a commission. I then hoped that this step might be taken in time. I then considered, that whether it should or should not so turn out, and whatever might be the consequences of its turning out otherwise, I had nothing to do but close my eyes to those consequences; for they had passed entirely beyond my control. I did so close my eyes, and I believed for the moment that the subject was dismissed for ever from my thoughts. But, ever since then, the hope, that the step referred to *can* be taken ere it will be too late, has been becoming fainter and fainter every day; and as *it* has thus waned, so have the consequences

presented themselves under a more and more threatening and disheartening aspect, as they loomed up through the dim future, in their as yet indistinct and ill-defined character, but plainly incalculable immensity.

Thus has the question which your letter had raised in my mind, and which, on concluding my reply, I had considered as dismissed for once and all again come up, and brought itself home to me: what is my line of duty to my government and my country, in this most extraordinary position in which I find myself? Knowing as I do, that Peace is the earnest wish of both, is it, *can* it be my duty to allow this last chance for peace to be lost, by my conforming to a determination of that government, taken with reference to a supposed state of things in this country, entirely the reverse of that which actually exists? Upon full reflection, I have come to the conclusion, that my duty is, to pursue the opposite course; and upon this conclusion I have taken my stand. It remains to be seen, whether the Mexican Government can come up to the mark, and give effect to my resolve. "*now or never*" is the word; and I need not say to you, that this word is uttered in all sincerity, and with as total an absence of all diplomatic reserves behind it, as ever occurred in the most solemn vow pronounced by man. I have had no new instructions, no hint of any kind from Washington or elsewhere, in or out of the United States. The case stands in this respect precisely as when parted.

I am and.

Manning, *op. cit.*, vol. VIII, p. 984-985.

6 de diciembre de 1847. México. N. Trist a J. Buchanan.

Sir:

Referring to my previous despatches, in regard to the political state of this country, and to the enclosed copy of a confidential letter, under date the 4th instant, addressed by me to a friend at Queretaro, (Mr. Thornton) to whose able and indefatigable cooperation in the discharge of the trust committed to me I have, from the very outset, been greatly

indebted; I will here enter at greater length into the considerations by which I have been brought to a resolve so fraught with responsibility to myself; whilst, on the other hand, the circumstances under which it is taken are such as to leave the Government at perfect liberty to disavow my proceeding, should it be deemed disadvantageous to our country.

In the letter just referred to, besides the complemental consideration therein mentioned (my belief that the appointment of a commission on the part of our government *cannot* now take place *in time*) I place my determination on the ground of my conviction, "*first*, that peace is still the desire of my government; *secondly*, that if the present opportunity be not seized *at once*, all chance for making a treaty *at all* will be lost for an indefinite period, probably forever; *thirdly*, that this (the boundary proposed by me) is the utmost, point to which the Mexican Government can, by any possibility, venture". I also state, that the determination of my Government to withdraw the offer to negotiate, of which I was made the organ, has been "taken with reference to a supposed state of things in this country, *entirely the reverse of that which actually exists*". These four points constitute the heads under which the development of the subject naturally arranges itself.

I. "*First*, that peace is still the desire of my government". Upon this point, the words of the President, as I took leave of him, are still fresh in my memory: "Mr. Trist, if you succeed in making a treaty, you will render a great service to your country". These were his words, with an addition respecting the "great distinction" which I should thereby acquire: a matter which, to me, was one of very slight, if of any, concern then; and the value of which has certainly not risen in my estimation since, after the additional opportunities which my companionship with this army—truly a "glorious army"—has afforded, of knowing by what means "great distinction", true of false, may be acquired; and also, of seeing, that, for distinction's sake, for the sake of the thing itself, the false is as good as the true. It was, however, far otherwise with respect to the "great service". It required no words from any one to impress me with the truth, that the restoration of peace would be a great benefit to our country; and the conviction on this point, and the wish born of that conviction, which I entertained and cherished then, in common with our whole country—to say noth-

ing of differences, in modes and degrees, arising from peculiarities of position on the political board—I entertain and cherish still: with this difference only, that both the conviction and the wish have become strengthened a thousand fold by the same opportunities just referred to.

Such having been the state of the President's mind at the time of my departure, and such the *spirit* in which I was sent here, I have carefully examined the despatches last received by me, (those by which I am recalled) with special reference to the point now under consideration: that is to say, taking those despatches as the latest expression of the wish and intention of our Government, as to the restoration or non-restoration of peace, I have examined them, with a view to discover whether any change has occurred in the President's mind—in other words, the recognized mind of our Government—on this particular subject. I have found there no intimation or indication of any such change: nothing whatever, which would at all warrant the supposition, that he has ceased to believe, or believes any the less strongly now than he did then, that the restoration of peace is highly desirable to the country whom he is charged with the grave responsibility of thinking for, and judging for, and determining for, at this fearful turning point of her destinies. On the contrary, the determination of the President to put an end to the mission committed to me is expressly placed on the ground of his belief "that your [my] continued presence with the army *can be productive of no good, but may do much harm*". How? The conclusion of the sentence gives the answer, "by encouraging the delusive hopes and false impressions of the Mexicans". The delusive hopes and false impressions here referred to are those to which, in the sentences immediately preceding, the pertinacity of the Mexicans in continuing the war is ascribed: "They must attribute our liberality to fear, or they must take courage from our supposed political divisions. Some such cause is necessary to account for their strange infatuation". It is, therefore, *because* of its supposed tendency to *prolong the war*, that the President apprehends that the continuance of this mission "*may do much harm*". Here, then, is a conclusive proof, that, upon the point now before us, the President is still of the same mind as when I left Washington; that now, as then, he considers the protraction of the war a great evil; that now, as then, he believes that to restore peace would be to

render a great service to our country: in a word, *that peace is still the desire of my Government*".

Thus has the first point become established in my mind. It is true, that, since I left home, *the tone of the public mind* of our country, in regard to this war, has undergone a great, and in one respect a most salutary, change; as no one, acquainted with the patriotic sentiment which lies at the bottom of her heart, could doubt that it would undergo, under the influence of the impressions produced by the view she has taken—altogether erroneous as that view is, and can easily be demonstrated to be—of the occurrences here, immediately preceding the capture of this city. 'Tis true also, that the unanimous determination now manifested in all parts of the Union, to support the war, has altogether reversed—for the moment, at least—the party consequences which, down to the time when this change occurred, were universally considered as certain to ensue from the war, unless it were speedily brought to a close. Of all this, I am fully aware. But it is altogether irrelevant to the point just considered: that point being, not what may be the present tone of the public mind in regard to the war, nor what party consequences may be likely to result from its continuance; but, simply and solely, whether, judging from the communication made to me, I have good and sufficient reason to believe, and am bound to believe, *"that peace is still the desire of my Government"*.

I will however say, that, if losing sight of the principle which requires that every public servant in the Executive branch shall look to the Executive alone, as the rightful and the only rightful channel thro' which any knowledge of the public will can reach him; if, losing sight of this principle, I had added the considerations just adverted to, the list of those by which it was proper that I should be governed: even in this case, I should have been brought to the same conclusion, in regard to the desire and the will of my country, that I have been brought to in regard to the desire of my Government. And the conclusion would have been still the same, in regard to party consequences, both in the broad and in the narrow view which may be taken of them: for my conviction is immeasurably deeper now than it was eight months ago, that the early cessation of this war is of incalculable importance to the preservation of the great principles of the democratic party; whilst, with respect to the narrow view of the subject, embracing only the influence which the

UNAM - IHH

continuance of the war may exercise upon the results of the struggles for office now going on, I am satisfied, notwithstanding the very decided character of the present war-fever, that the expectations to which it has given rise are destined to prove altogether transient; and that the war spirit is soon to subside to the point, up to which alone—particularly with reference to such an adversary as Mexico—the high intelligence and the high civilization of our country can permit it to continue: the point, I mean, of giving to the war a sober and steady support, so long as the Government, keeping—as hitherto it has done—on the right side, shall continue to prosecute hostilities with a view solely to securing a peace, *so soon as this can be secured upon fair terms*. However great may be the tumult of feelings occasioned at home by the events here, which crowded themselves into one short month succeeding our arrival near this capital: and whatever be the thoughts which that state of high excitement may have occasioned; the point just indicated is one to which the war spirit cannot but subside.

I consider this certain, because it is manifest that this excitement—except so far as it consists of pure, generous patriotic joy and exultation, at the glorious deeds of our army—consists solely of indignation against this country; and because I know that the appearances by which this indignation has been excited are so entirely deceptive, that it cannot possibly survive a single “sober, second thought” upon the truth of the matter, when that truth shall be known. One such thought is all that can be necessary to convert this angry feeling into one of pity and commiseration, and to make our country ashamed that she should have been betrayed into allowing herself to degrade her indignation by throwing it away upon such an object; to make her blush at having fallen into the error of fancying, that, with reference to a country towards which such sensitiveness is far more misplaced than it would be towards any one of the Indian tribes within our borders, her honor could require her to bristle up, as she would towards England, or France, or Russia, upon the same affront from them: that is to say, if their government were to pursue towards her the same line of conduct, which, on this stage, has recently marked the exit of the miserable, trembling, vacillating faction that had possessed itself, for the hour, of the opportunity to filch from this People, and of the pretext to speak in their name.

What is the character of this country, as compared with

ours? The identity between Government and People, which is our most striking peculiarity and our proudest characteristic,—which among us is perfect, absolute, uninterrupted for a single day or a single hour,—this identity, there is not the faintest shadow of here. Whilst *We* constitute, really and truly constitute, *One Being* with respect to the rest of mankind,—whilst we have a government fixed as the eternal hills, a government the stability of which is never for an instant disturbed, and the obedience of which to our will is constant and invariable,—whilst this is the condition in which Providence has placed us, the unhappy People of this country do not so much as constitute a *Nation* at all; they present but an incoherent collection of fragments of the human family, among whom the principle of concerted action is so weak as to be altogether inadequate, even for the purpose of mutual protection, at their very hearth-stones, against the mid-day robber and assassin; with respect to what is called their Government, they present but a helpless multitude, and this government itself, always destitute of all semblance of stability, is seldom anything but a soulless faction, utterly devoid of sympathy with the people, and intent solely upon haste in robbing, ere it be ousted from its stolen base of a political power, entirely ineffectual for the most ordinary purposes of government, as these are regularly fulfilled in all tolerably well organized communities. Whilst, among the nations of the earth, we are the one above all other, to whom, with the greatest equity, may be applied, in all strictness and rigor, the international principle, that every government must be regarded as the organ of the People who consent or submit to its rule, and that the acts of the one must be regarded as the acts of the other; whilst this is our position, Mexico occupies the very lowest point of the same scale, a point beneath even the one proper to the Indian tribes within our borders: for they have a real *national* existence, both internally, whilst she has one, either for internal purposes or for external: they always constitute one Body, and never without a Head to this body a head which truly represents the collective will; while the condition of the Mexican People (for, from want of a more appropriate term, the word People must be used in speaking of her inhabitants, when considered as one *mass*) is the reverse of this in all respects, and their existence as a Nation is limited to the one single fact, that their independence is recognised by the rest of mankind; in other words, that there is a general acknowledgement of

UNAM - IHH

the absence of right in other nations to interfere in their internal concerns. Whilst the principle referred to is one of absolute necessity, as a rule among nations, and while this necessity extends, not only to such acts of Governments as are attended with injury to the material interests of other nations, but to such also as affect only points of honor and international decorum; while this rule is necessarily of universal application, still, nowhere else upon our globe is there to be found a People, whose helplessness in regard to the factions, that, in endless succession, are ever preying upon them, presents equally strong appeals to every generous or good sentiment of the human heart, in its enforcement with respect to them. Nowhere else is there to be found a People, in regard to whom the indulgence of feelings of exasperation or resentment, for any possible breach of international decorum committed by one of those factions, is equally unworthy of a Christian People, equally irreconcilable with self respect in any civilized community. Nowhere else does there exist a People, in regard to whom the aggravation of their unhappy lot, by injury to their material interests, as a punishment for mere affronts offered by their rulers, in departing from the established standard of diplomatic probity or diplomatic courtesy, would be equally abhorrent to the most ordinary justice between man and man.

And, does it admit of doubt, that, when all this shall once have been adverted to by the American People, the war spirit which now fires the bosom of our country will instantly subside to the point above indicated? Does it admit of doubt, that—to say nothing of her civilization, her Christianity, and the generosity which becomes her—she will instantly dismiss, as incompatible with her position of pride among nations, as degrading to her dignity and honor, the thought that these could be wounded to the quick, or could be touched at all, by aught proceeding from such a source, in the shape of trembling subterfuge, or impudent propositions? And when brought down by self-respect, to this point, what will her war-spirit amount to? What else can it be, other than a sober determination, free from every thing like anger or resentment, steadily to prosecute the war into which she has been reluctantly forced, with a view solely to the end, so oft and so solemnly, and with such perfect sincerity and truth asseverated by her: *the end of obtaining peace*? What else can it be, other than a steady determination to secure this peace, so soon as it can be secured on just and equitable

terms? That is to say, so soon as Mexico shall consent to our retaining such portion of the territory which she has placed us under the necessity of occupying in the prosecution of this war, as our country shall deem a just and fair indemnity for the cost of the war and the sacrifices into which she has thus been compelled.

However unanimous and vehement the determination of our country may have become to support the Government in pushing the war actively and vigorously, this determination cannot but continue to be connected with the determination to establish peace so soon as it can be secured upon the terms just stated. To suppose the contrary is to suppose the character of the war altogether changed, entirely reversed; and that, from being—as it has so often been declared to be, and has so truly been thus far—a purely defensive war on our part, it has become a war of conquest. Mere invasion, however extensive, does not make a war the less truly, and strictly, and defensive, so long as the intention of the party accords with the determination just referred to, as having been constantly asseverated by our Government and sincerely entertained both by the Government and the Country. But, the instant this determination is lost sight of, or ceases to control and to govern every feeling to which the events of the war may give rise, from that instant the character of the war becomes entirely reversed, and it becomes purely a war of conquest, a war waged thro' no other motive than acquisition. Whether our country will permit the character of the war thus to become reversed; whether she will see in the weakness and defencelessness of Mexico, or in the deplorable state of things which the internal condition of this country exhibits, reasons sufficient to induce her to employ her power in subjugating it, either from motives of ambition or from motives of philanthropy: this is a question which the Future alone can settle. But, of two things I feel perfectly certain. The one, that this question has never yet been presented to her. The other, that her intelligence will not permit this reversal of the character of the war to take place, without her perceiving that it is taking place; her sagacity will not permit the question just stated to substitute itself unperceived for the question, whether the war, *in the character which has thus far belonged to it*, shall receive a cordial support. However vehement and enthusiastic may be the response which she is now giving to the latter, this generous excitement, can never so far cloud her reason as to make her confound the

two questions, or blind her to the fact that her response to the one has no manner of applicability to the other, cannot rightfully be taken as an answer to the other, and warrants no inference whatever in regard to the answer which she will give to that other.

Such has been the result of my endeavor to seize the true character of the change now exhibited in our Country's tone of mind with respect to the war. This is not, as I have said before, among the considerations by which I have deemed it proper that I should be governed, in the trying position in which I find myself. But, had it been so, I should have had to enumerate among those considerations my conviction, that peace is still the desire of my *Country*, as well as of my Government.

I will here take leave of this first head, with the remark, that—as will be perfectly apparent from what I have to say under the next, with reference to the state of things in this country,—this is such as to create *an absolute incompatibility between a sincere desire for peace on our part and any omission on our part to seize, at the very instant when it may present itself, any opportunity, which may occur, to make peace upon terms just to ourselves*: for, according to every human probability, this juncture is rapidly verging to a state of things when a treaty of any kind with this country will be an absolute impossibility.

II. “*Secondly*, that if the present opportunity be not seized *at once*, all chance for making a treaty *at all*, will be lost for an indefinite period, probably forever”.

Upon this point, the explanation of the state of parties in this country, contained in my recent despatches, will have afforded you some means of forming a judgment. I will here repeat, that—setting aside mere *personal factions*—but two parties partaking in any sense of a *national* character, (as these both do, in one sense, and the best sense; that is to say, they are governed by considerations having reference to what they consider the good of their country) now exist here, with respect to the question of peace or war. Both desire peace, and have peace in view: but the one desires peace immediately; whilst the other, bent upon making the war conducive to its views respecting the mode of promoting the public weal, is no less actively, and energetically, and recklessly opposed to immediate peace, than if it were actuated alone by national animosity, in its very bitterest and maddest conceivable excess. In this form, and in this form alone

—putting out of view mere personal factions— does there exist in this country, at the present moment, a war-party. There is no such thing as a war party, for the sake of war, nor even for the sake of resistance. All minds are satisfied of the utter inutility and hopelessness of this. The only *national* influence which presents,—or which has presented, since the downfall of Santa Anna, and the success of the efforts of the friends of peace, in organizing a government—any serious obstacle to the making of a treaty of peace, consists of the *Annexionists*, of those who are inflexibly resolved, cost what it may, to play out their game (commenced long before the war broke out) of *forcing our country into a connection with this*. It was thro' dread of succumbing before this same influence,—aided, as it then was and would have continued to be, by many others, of which it constituted the nucleus, but whose cohesion with it went not beyond the point of opposition to Santa Anna, actively or passively:—it was thro' this dread, solely, that Santa Anna, at the crisis of his destiny, shrank from making the treaty which could alone save him, and would have given him the power to carry out his despotic designs.

Such is the character of the two parties, on whose struggle the issue to the question of peace or war really depends. And this question is not, whether peace shall take place now or a year hence: it is a question between *immediate* peace and indefinite war. That the case stands thus, is perfectly manifest from the position of the two parties at the present moment.

The efforts made by the friends of peace—and never were efforts more active or more untiring than these have been, since they aroused from the supineness in which they had been held by the apprehension of giving strength to Santa Anna if they did anything for peace whilst he remained in power—have been crowned with success far exceeding their most sanguine expectations. They first built up the “provisional government” of Peña y Peña, a government pledged to the cause of peace, and *known* to be sincerely devoted to it. This Government, they defended and upheld against the ceaseless machinations of the Puros, acting in concert with the Santanistas and all the other personal factions who could be brought into the alliance. Whilst engaged in this contest, they have succeeded in bringing the “Sovereign Constituent Congress” together, and in obtaining at its hands the election of a President *ad interim*, of the same

complexion as the provisional President whom he replaced, and who immediately appointed that predecessor his Minister of Foreign Relations, at the same time that he re-appointed to the post of Minister of War, General Mora y Villamil, the avowed "Apostle of Peace", known to the whole country as the man who, as one of the four Commissioners then treating with me, had, in full cabinet council, taken the lead (which was followed by the others) *in declaring himself in favor of accepting our Project*. During this same struggle, they have carried the elections of President and of the new Congress which is to meet in January; that President being no other than General Herrera, the man of all others, perhaps, most universally respected, throughout the Republic for the purity of his character, and one of those same four Commissioners, who, on the occasion referred to, evinced his concurrence in the opinion of General Mora. And finally, they have succeeded in bringing together at the seat of Government the Governors of the respective states; and, after full conference, in obtaining their concurrence (with one single exception—the Governor of Potosí) in the peace policy, and the pledge of their support.

Such is the character and the condition, actual and prospective, of the Peace party: a party, the principal leaders of which are men whose talents and virtues would command confidence in any country; men, some of whom have never before taken an energetic or an active part in public affairs, and the rest have kept aloof from the Government for a long period, except during the short space when it was held by Herrera; men who recently have banded together, and worked indefatigably to possess themselves of the public posts, *solely with a view to bring about the restoration of Peace*. They are now in complete possession of the Government *ad interim*; and this Government is to be succeeded, on the 1st of January next, by a regular and permanent one, of the same complexion as itself, in all its branches, and elected according to the forms of the Constitution of 1824, as now restored. But this party cannot possibly stand, *unless the object for which alone it has formed itself be speedily accomplished*. Without this, its destitution of pecuniary resources must become aggravated every day; and this cannot continue much longer without sealing its fate; a catastrophe which would involve a total dissolution of the Federal Government and of the Union.

To bring about this, is now the object of the war party;

and so little disguised is it, that a Decree suspending the existence of the Federal Government *during the war* has actually been proposed in the Constituent Congress. Foiled in all their schemes, first to prevent the organization of *any* Government after the abdication of Santa Anna; then, to prevent the recognition of the provisional Government of Peña y Peña by the State governments, and after it had been recognised by the States, to prevent its recognition by the Constituent Congress: foiled in its manoeuvres in Congress, to break up the provisional government, by means of Decrees of disqualification and articles of impeachment against Peña y Peña and his two Ministers; and foiled again in its combination (which were very near succeeding) to carry the election of President *ad interim*; and after this election had been carried against them, foiled in their endless schemes for compelling the administration of Anaya to commit itself in favor of the prosecution of the war: foiled in every thing they have attempted, their determination has but become the stronger and the more energetic, and they are now at work to accomplish *out of Congress* the object of the Decree proposed by them for suspending the existence of the Federal Government. This can now be done only by means of a Pronunciamento; and, in concert with the Santanistas, extensive arrangements have been making to have "*the man*", as he is called, declared Dictator: a measure which, they know, would be an empty farce, as regard any real power which it could confer upon him; whilst it would be a most substantial reality, as to the subversion of the government. The storm thus brewing would have been brot' to a head, and been made to burst before now, probably, but for the respite afforded them by my recall. This, which inspired universal joy among them (a joy that has frankly been expressed to myself personally) has lulled their apprehension—which, down to that moment, were most vivid—in regard to the early negociation of a peace; and they are now proceeding more deliberately, relying upon the time which must elapse before negotiations can be resumed and counting with almost equal confidence upon our Government's sending no more Commissioners, and upon the impossibility that any such step can be ventured upon by theirs, without greatly weakening its already feeble powers of defence, and greatly advantaging its adversaries. In a word, they know full well, that the only way in which a treaty can be possible, is, by its being made so suddenly, that nothing

shall be know of its existence until it shall be presented for ratification, and that the means which it will afford to the Government for self defence shall be in its hands, so soon almost as it is presented: a condition which is absolutely indispensable to its obtaining ratification. Feeling certain on this point, and considering the danger of a treaty as being entirely over for the present, they are comparatively supine. In this particular, the news of my recall—notwithstanding the depressing influence upon the Peace party, and the exhilarating effects upon their antagonists, with which it was immediately attended—is advantageous to the former and to their cause.

But, although thus rendered, comparatively, inactive, they are not the less steady, in the determination which weds them to their purpose; and, as I have said before, nothing can prevent its accomplishment, unless the Peace party shall speedily acquire the power of permanent resistance, which nothing but the fulfilment of the end for which they have striven to obtain possession of the Government can give. Every day that this is delayed adds to the difficulties of their position, by far the greatest of which is the want of pecuniary means; which want is so great that they find it impossible to meet even the most trivial daily exigencies of a government. This state of things can continue but a very little while longer. It cannot but bring on the early overthrow of the Government, and with it the entire dissolution of the Peace party, and death to the sentiment of peace in every bosom that has cherished it. The chaotic condition which the country will then exhibit, and the nondescript character which this war will then bear, are just as manifest now as they can become after the catastrophe shall have occurred. The purpose of the party, whose immediate object is to render a peace *impossible*, will, so far as regards this object, have been completely fulfilled; for this country will then be without a Head, with whom a treaty of any kind can be made. It will then consist of a collection of separate states, considering themselves as forming together one nation, but without a central government, without a common organ of any sort. The military occupation of the country will then go on. But, to what end? For what purpose? What will be the object in view? Certainly not a treaty of peace, when no government will be in existence, with which to treat on any subject. The only assignable or conceivable purpose, for which the occupation of the country can then be persisted

in, will be one of these two: either the conquest of the country, involving the subjugation of its inhabitants by establishing over them a government such as we shall see fit to subject them to; or the use of our military power in directing and protecting the inhabitants in establishing a government for themselves. These are the only two conceivable ends with a view to which "occupation" can then continue; and the only conceivable alternatives to the explicit adoption of the one or the other of these two purposes, will be, on the one hand, to act without any assignable object whatever, to continue to pour out the blood and treasure of our Country without being able to assign a single reason why they are poured out; on the other hand, to bring occupation to a close, by withdrawing to such boundary as we may see fit to select.

This is the position in which our country will find herself, if the Government, which the peace Party have succeeded in rearing, be allowed to go down; as go down it must and will, unless that Peace be promptly made, with a view to which alone this Government has been built up.

And, should "occupation" continue; after it shall have put on the objectless character, which—except upon the supposition that the one or the other of the two ends above mentioned is adopted—cannot but invest it so soon as a treaty of peace shall have been rendered impossible by the destruction of the government: what then will be the character of this war? I mean, as to its concomitants; for it would be a contradiction in terms to talk, in any other sense, of the character of a nondescript. In previous despatches, I have stated my conviction that a single word from our Country is all that is requisite to raise up—or rather to bring out—a party here, which would render the permanent occupation of Mexico a matter of very easy accomplishment, and at once convert it, almost entirely, into a peaceful occupation. But, for any such effect to be produced, this word *must be pronounced*. Unless this be done, the occupation must continue to bear the character of a hostile invasion, an invasion persisted in for the mere purpose of inflicting injury, or with a view to subjugating and enslaving the people. In this light must it be viewed by every Mexican, and his conduct, ostensibly at least, square with the duty of the citizens of a country towards such an enemy. Even mere passiveness will, to a great extent, be impossible on the part of those most deeply interested in, and most thoroughly devoted to, the cause of annexation. Every thing done by

UNAM - IHH

them must be, or seem, compatible with the relation in which the citizens of a country finds himself towards her invader; and they cannot, except to a limited extent, evade even the *active* obligations which this relation imposes. In this way, thousands will find themselves compelled to take a more or less active part in resistance, who, upon a declaration from us that the occupation is to be permanent, would at once come out and avow themselves on our side, and actively co-operate with us. The same is true, and to a greater extent, of all those who, without being prepared to take such a step now, would be drawn in by the example set by the others. Without such a declaration, the whole Peace party must, exactly in proportion to the patriotism which has excited them to efforts in favor of peace, become—and it will be for the first time since the war began—actively and energetically devoted to the cause of resistance. It will be manifest to all, that the war is not waged against the Government, whose misconduct produced it, but against the country, against the People, with conquest and subjugation for its end; and this being manifest, the war will become, for the first time, national; national in the best and highest sense of the word: for every heart capable of a throb at seeing a yoke held up for its country will then be fired with the fire of desperation.

The character of the war thus far has been the reverse of this. The only spirit infused into it has been such as could emanate from the calculating soul of Santa Anna, with no other object in view than to bring it to a close, so soon as this could be done in a manner favorable to himself. Whatever he has done—and he has accomplished things trully wonderful—has been done against the grain of the country. Every honest man in the country was his enemy and ardently desired his downfall. Every man who had a single feeling for his country, whether from patriotism or from calculation, was his enemy and desired his downfall. The same hatred and the same desire animated thousands of bosoms, altogether devoid of honesty and devoid of patriotism. Under their influence, added to the apprehension that peace would extend and confirm his power, the wish for peace lay hushed and dormant. Even in those who had been bold enough to avow it, it gave no other sign of life. Every thing done by him was done in spite of all this, in spite of all the obstacles which such causes could produce. All the resources of the country which it was possible to withhold from him were withheld. But, let the feeling of national desperation once be aroused, and things will present a very different

aspect from any they have heretofore borne. This country cannot effectually resist the power of ours, but such resistance as she is still capable of—partial as this may be and ineffectual as it may prove—will be of a new complexion quite. By far the best fighting done in this valley, on the *Mexican side, was done by the newly, formed corps of militia.*

If, then, the occupation is to be permanent, no time should be lost by our Country in making a declaration to that effect. This is due alike to her own material interests, to regard for her own character, to justice and humanity towards the inhabitants of this country. That her position and theirs should at once be defined, is demanded by every consideration which can make a country otherwise than absolutely indifferent, for her own children as well as for those of another country, to the prolongation and the aggravation of the evils of war.

III. "Thirdly, that this (the boundary by me) is the utmost point to which the Mexican Government can, by any possibility, venture".

Under this head, I can do but little else than state my perfect conviction, resulting from the best use I am capable of making of the opportunities afforded by my position, that such is the fact. The nature of the subject scarcely admits of my doing more, I will, however, call attention to the fact, that, independently of Texas, this boundary takes from Mexico about *one half of her whole territory*; and upon this fact remark, that, however helpless a nation may feel, there is necessarily a point beyond which she cannot be expected to go, under any circumstances, in surrendering her territory as the price of peace. This point is, I believe, here reached. I entertain not the shadow of doubt upon the subject. Earnest as is their desire for peace, and for the preservation of their nationality, the Peace party will not go a hairbreadth further. If this does not suffice, they will let matters take their course, be this what it may. They *cannot* go further. It would be utterly impossible to obtain the ratification of any such treaty.

I will also state my belief that they cannot maintain themselves long, after making the treaty now in question. Altho' they will from it the means of carrying on the Government, and altho' these means will, I am convinced, be used both conscientiously and wisely, it will, at the same time furnish to their adversaries a weapon by whose force they can scarcely fail to be prostrated. The great object for which they have formed themselves being once accomplished, the mere loss

of power would, I believe, affect them but little, and not at all except thro' their desire further to benefit their country by the use of that power. But, the respect and esteem which they have inspired cause me to entertain serious fears, that something worse than a mere political downfall is the fate which awaits them. The same respect and esteem, I feel also for the leading men of the opposite party, whose motives and whose object are such as could not fail to command my warm sympathy. I do sympathize with them strongly, and the wish is ardent and steady, that the object which they aim at, as the only possible means of rescuing their country from anarchy and oppression, were of possible attainment. But this very wish serves but to strengthen my confidence in the soundness of the conviction—which has become more and more deep and intense, in proportion as my knowledge of the condition of this country has extended,—that the thing is altogether impossible. The more the subject has unfolded itself, to my view, the more thoroughly persuaded have I become, that, immense as would be the benefit which this country would derive from such a connection, it would be fraught with evil to ours, immeasurably greater; even in the eyes of the most disinterested and impartial philanthropist, the former could constitute no sort of compensation for the latter. And such, I have no doubt, is the conclusion to which our country will come, should the question ever be seriously discussed among us. For myself, deep as is my veneration for our Union, and impossible as I have heretofore believed it to be, that I should ever cease to consider its dissolution as the greatest of all imaginable evils, I have been brought to look upon this terrible calamity as a great good, when compared with the annexation—the annexation in our day, I mean—of this country to ours, be it by conquest or “occupation”, or be it by compact. That this incorporation is to happen—that, in the fullness of time, it must take place,—I have no doubt. But, the hour is not come when it can happen without incalculable danger to every good principle, moral as well as political, which is cherished among us; without almost certain destruction to every thing, on the preservation of which depends the continued success of our great experiment for the happiness of our race. If this danger is to be brought on, then would it become the most fervent wish of my heart, to see a part, at least, of our Country preserve itself from it, in the only way in which preservation would be possible. That this might come to pass, and that thus the glorious hope, which has fed itself upon the success

of this experiment, should be saved from total extinction, would then be the holiest prayer that could arise from my soul.

There is, however, a question, totally distinct from the above, which presents a strong claim upon the immediate attention of our Country: a claim founded on considerations of humanity towards this people, as well as on its bearings upon ourselves. It is, whether the very peculiar, the altogether exceptional, nature of the case, as caused by the intimate geographical relation in which this country stands towards ours, would warrant such a departure from established principles in this regard, as would be involved in a compact that should secure to Mexico the assistance which she needs, and which is all that she needs, for the establishment of a good and stable government. The elements for such a government—altho', under the pressure of circumstances, they have lain dormant and inactive—are by no means entirely wanting in this country; as would seem to be the case, judging merely from the facts exhibited to the eyes of the world by her past history. Protection for a few years, perhaps for a shorter time, from her own anormously overgrown military class, is all that she needs, to bring about a state of things strongly contrasting with that which has heretofore existed here. Upon the solution of this question depends her chance for presenting such a contrast; a thing which is indispensable, not only to her own happiness, but to the possibility of her being a good neighbor, to the possibility of her preventing the recurrence of such misconduct on the part of her government and local authorities, as will render peace between us always precarious in the extreme. The offer of such aid would, I am sure, be accepted with delight and deep gratitude.

IV. "That the determination of my Government to withdraw the offer to negotiate, of which I was made the organ, has been taken with deference to a supposed state of things in this country, *entirely the reverse of that which actually exists*"

Under this head nothing more is requisite than a general reference to what has been stated under the three preceding. I will, however, cursorily examine a few of the many points which properly come under it.

The determination referred to is expressly grounded on the President's belief that the continuance of this mission might "do much harm"; that is to say, as has been shown under the first, head, do much harm, in the way of preventing the restoration of peace. This belief could rest upon no other

basis, than the supposition that the state of things here, at the time when his order would reach me, would be in the highest degree unfavorable to the cause of peace: far more unfavorable than it had been at the time when I was despatched from Washington. The true state of the case was not only different from this, but the direct reverse of it. For the first time since the war began, had a Peace party been formed. Santa Anna had always been strongly inclined to peace; but this inclination, like every other feeling of which his bosom is capable, was a purely selfish one, and he had been waiting for an opportunity when peace might be made with advantage to himself and to his own despotic propensities and designs. Such was not the character of the Peace party which had formed itself, upon that man's downfall. It consisted of the élite of the patriotism of the country; of men who had the good of their country at heart, and who, in seizing the opportunity at the very instant that it presented itself, and from that moment sparing no toil which could bring them to their object, had been actuated solely by an ardent desire of Peace, for the sake of peace and for the sake of their native land. This party had organized itself, had built up a government, and had accomplished all that I have stated under the second head. In a word, the state of things here, in all respects, was such, that if it had been contrived and arranged for the express and sole purpose of giving to the discontinuance of this mission the character of a deadly blow to the cause of peace, at the very moment when that cause was on the point of prevailing, this fatal character could not have been stamped upon it more clearly and manifestly and indubitably than it now is: than it now is, to the eye of every human being in this country who ever bestows a glance upon the signs of the times. There is not one single friend to peace here, but reeled and staggered under the blow. There is not a single enemy to peace here, from whose bosom there did not burst forth the shout of joy and triumph, at seeing that blow fall.

Of all this the President knew nothing; and the supposition by which he allowed himself to be governed (under the influence doubtless of "private" representations from an intriguer, who, to the deep disgrace of our country—as she will ere long deeply feel, on beholding the picture, faint tho' it will be, of the unimaginable and incomprehensible baseness of his character—pollutes this glorious army by his presence,) made the state of things in this country "*entirely the reverse of that which actually exists*", and which already existed when

his determination was formed. Had he known the truth,—had he formed the faintest conception of it,—had he so much as dreamed of the possibility of a state of things here, approaching in the remotest degree to that which actually existed, he could not have believed that the continuance of this mission could do “much harm”. Unless, indeed, the indefinite protraction of the war was the good aimed at; and to cut it short would be, to do harm. On no other supposition than this, could he have believed otherwise than that his highest and most solemn duty to his country required that he should *not* discontinue this mission. On no other supposition than this,—however great might have been his dissatisfaction, and however extreme his displeasure, at the course pursued by me,—could he possibly have failed, simultaneously with my recall, to clothe some other person with those powers, the existence of which here was rendered by that state of things indispensable to the cessation of the war.

Passing from this point, I will take up another. The state of things with reference to which the supposition which governed the President's mind has just been seen to have been the direct reverse of the truth, was contemporaneous with the decision formed by him; and consequently, it was impossible that he should actually know anything about it. But, the unfortunate characteristic is not confined to that particular supposition. It belongs equally to the view taken by him of events which had occurred and which had become known at Washington. Here, also, this unhappy reversal of the truth has taken place. In this view, as in the other, every thing was seen upside down.

In the armistice and in the negotiation, nothing could be perceived but a ruse of Santa Anna, a mere trick to gain time. By the “Union”, General Scott and myself have been held up to the country as having been hoodwinked and duped, as having put trust in the good faith of Santa Anna. Such is the complexion of the balderdash with which our country has been edified upon this theme!

The Armistice! This was entered into by General Scott *without authority*, and contrary to the intentions of the Government. So has the country been given to understand by the “Union”. Without authority! And he, the General-in-chief of the armies sent here to a *peace*, sent here—so has our Government solemnly asseverated to our country and the world—for the sole purpose of bringing the war to a close, in the only way that events had proved that it could be brot' to a close, by beating Mexico into a disposition

UNAM - IHH

towards peace. The commander of these armies, sent here for this purpose, was *without authority* to grant a suspension of hostilities, in order that Peace might be made! And this, too, at a juncture when he was cut off from all communication with his government, and when he had at his elbow an agent of that government, who found himself there solely in consequence of the earnest desire, the extreme anxiety of the Chief Magistrate who had despatched him, that Peace might be made at the earliest possible moment.

Without authority! Unhappy admission! Even if it had been true, most unlucky slip of the tongue! Why, the Armistice is the crowning glory of this campaign, of this war, of the life of Winfield Scott. If the war were to last a century, nothing could occur to surpass it; nothing could occur that would approach it in its honor—giving efficacy, in its honor—giving efficacy to our country. A thousand *Cerro Gordos*, with a thousand *Contreras*, could not eclipse it for a moment, could not dim its lustre in the slightest degree. View it under whatever aspect you will, and it shines equally bright. Had it been nothing but a stroke of policy, of *national* policy, in the broadest and most respectable sense of which the word admits, nothing could have occurred so calculated to elevate our country in the eyes of the world, to put her in the right even to those who had before deemed her in the wrong. Had it been nothing but a stroke of mere *party* policy, in the narrowest and least respectable sense of which the word admits, nothing superior to it could have been devised. The whole genius of Talleyrand might have been devoted for a twelve-month to the subject, and then he could not have contrived anything better calculated to rescue the administration, and the party that had brought that administration into power, from the peril which threatened them with quick destruction. In proof of this, see the change which has come over the hand! And look at the fact, that this change is owing wholly to the Armistice; because it is owing wholly to the course which matters took under the Armistice. These things together have constituted the medium thro' which the new view of the war, now taken by our country, has been taken; and except thro' which it never would have been taken.

But, the Armistice was no stroke of policy, of the one kind or of the other. It was something far better, far purer, far loftier. Whatever disposition there may be to repudiate it as an act of the administration, the honor of it is secured to our Country. It is hers, and nothing—no chicanery, no

nonsense which can be uttered about "want of authority"; no stuff, however goss, or however dexterously absurd, which can be poured out thro' the "Union", or thro' any other channel—nothing can make it otherwise than hers. The fact is unchangeable. The Armistice is her work, and the honor of it belongs to her. It was her work, because it was done by a public servant, who, in doing it, considered himself merely as doing what her spirit, her Will required that he should do. True, he considered himself also as doing nothing but what was required by due conformity with the intentions and strong desire of another of her public servants, the highest in authority, and the proper organ for the manifestation of her will. But, even altho' he should have been mistaken on the latter point, this cannot affect the truth in regard to Her. It was her work, because it was the honest fruit of her honest desire for Peace, operating thro' the bosom of the servant by whose hand the work was done. And the occasion afforded proof, too, of the high tone of the patriotism which animates that bosom, and of its superiority to the suggestions of party rancor or of party calculation. He knew, as well as any one knew, the perilous position of the Administration, and of the democratic, whith reference to this subject. No insight was clearer than his, into the nature of that peril and into the indispensableness of peace, of early peace, to avert it. At the same time, he felt, keenly felt, the many wrongs which he considered himself as having suffered at the hands of that administration; and above all, he was indignant at what he considered as both the injustice and the ill-faith involved in the endeavor to supplant him after he had been sent to carry out,—as he has done, in so beautiful and masterly and glorius a manner—the plan of campaign devised by himself. But all this was nothing. His nature is too lofty, his perceptions of high principles too clear, his obedience to them too steady and habitual, to admit of his swerving, under the influence of such feelings, from his line of duty, no servile tool of party could have been more earnestly or more anxiously solicitous to fulfill the wish, the all engrossing wish, of the Administration, than he proved himself to be on this occasion, and on every occasion when the fulfillment of that wish could be in any degree affected by aught which he could do, or which he could omit doing.

The Armistice was his own act, emphatically his own. It required no advice, no argument, no suggestion, from me. Had any such suggestion been necessary the high estimate which—with every possible prepossession against him—I had

UNAM - IHH

been forced by stubborn facts to form of his character would have become greatly lowered. Had he, under the circumstances of that crisis, as known to us both, omitted to enter into that Armistice, I should have considered this omission as the cause of the indefinite protraction of the war; and altho' it might not, and probably would not, have had the effect of shaking the confidence which my knowledge of him had inspired in his patriotic intentions—I should have denounced it as such.

And we had been duped? By whom? By *Santa Anna*? We had innocently put trust in the good faith of—whom? *Santa Anna*! This is the "Union's" way of accounting for the Armistice and the Negotiation. This is the only explanation of the deep enigma, which access to high sources enables the "Union" to afford to the country! This is the conjecture which, with the aid of such lights, is deemed rational and probable, with respect to the General-in-Chief of the Armies of the United States and with respect to the Agent employed by their government to execute a trust, which, in the eyes of that Government, was one of some importance!

Rational and probable as it may be, however, it is nevertheless quite erroneous. Upon this stage, whatever may be thought of the matter at Washington, it would be difficult to find a person, however low in understanding, with reference to whom such a conjecture would be deemed otherwise than indecent. *Santa Anna*! The most notoriously, if not the most thoroughly, unprincipled man whom this country holds: a man, in regard to whom it would be scarcely possible to find a woman or child that knew how to read, who could be made to believe that the most solemn asseverations coming from *him* would be worth a straw. And yet, this is the man, by whose assurances the American General-in-Chief of the American commissioner were duped! However probable, it is all a mistake to believe that it so happened. No such proof of imbecility was given by either, as to suppose for an instant that *Santa Anna* was capable of good faith for the sake of good faith, or that his word was to be trusted. And yet, we did believe him sincere in his professed desire for peace. Why? For the same reason that a man who, when seen drowning, should be heard to express his desire for a plank, might, altho' he were the most notorious liar that ever existed or that can be conceived to exist, even such a man might, under such circumstances, be believed to be sincere; and this without the believer's being a dupe. And, if upon the plank's being thrown to the drown-

ing man, he should, in the bewilderment of the moment, fail to avail himself of it, and should do down in consequence, all this would amount to proof of insincerity on his part, or of imbecility on the part of the person who had believed him. It would be a proof of this, and nothing more: that he had lost his head, and become, from the circumstances of the case, incapable of knowing how to act. Such precisely—as every one here saw, and as the event has proved—was the nature of Santa Anna's position; and such the ground, and the sole ground, of our belief that he was sincere in expressing a desire for peace. We believe this, because it was in the nature of things impossible that it should be otherwise; because nothing short of the most conclusive proof, that downright madness had suddenly taken possession of him, in place of the calculating and sagacious selfishness for which he is proverbial, could have made any sane man believe that the bent of his mind could be on any thing else save peace. That this actually *was* the case, as well as that it must be the case, everything conspired to prove then and every thing has conspired to prove since.

The sincerity of his desire proved *itself*, proved itself in every way in which the nature of the case rendered it possible that it should prove itself: by giving rise to acts which could not possibly proceed from any other motive. No such proofs were necessary to satisfy any mind, acquainted with his position and his utterly selfish character, and with the condition of the country; but still, many such were afforded.

No sooner had the Armistice been entered into, than he published the "Manifesto to the Nation", a copy of which was transmitted by me at the time. In this, he asserts and demonstrates the international obligation of *listening to propositions of peace*. Did he stop at that point? What he had done thus far did not require him to go beyond it. He *could* not have done so, it would have been just the reverse of craft and cunning, it would have been sheer imbecility, to do so *without and absolute necessity*. Every prudential consideration demanded, that, if the purpose which he then entertained required only a justification of the Armistice, he should strictly confine himself to that topic. But he did not so confine himself. His purpose did require more, much more: for his purpose was, *to make peace*. He had become fully convinced that peace was necessary, and that this necessity was urgent and immediate, not only for the good of his country, but for that which alone he cares about: *his own good, his own safety*. Thus convinced, he had made up

UNAM - IHH

his mind to act, to *make peace*; and for this purpose, to cut the Gordian Knot of constitutional questions, by *assuming* whatever powers might be necessary. That such was his state of mind, that such was his determination, and that he then believed this determination to be fixed beyond the possibility of change, it is impossible to doubt after reading the following passage; altho', to feel the full force of the proof which it affords, it is necessary to be perfectly acquainted with the nature of his position and the state of the country at that precise moment. Passing from the Armistice to what he considered as certainly to follow the Armistice, he said: A *perpetual war is an absurdity*, because war is a calamity, and the instinct of self preservation, which is even stronger and more powerful in nations than in individuals, recommends that no means whatever be omitted, that may lead to an advantageous arrangement. To adopt this course, *the Constitution gives me competent authority*. Consecrated to interests so noble and highly privileged" (that is, the interests of peace) "it is my duty to maintain at all cost, the respect and reverence due to the Supreme Authority with which I am invested. * * * I will be yet more explicit: sedition and attempts at subverting the government *shall be exemplarily punished*". Thus, in defiance of the Decree of the 20th April and of any other decree, or law, or constitutional provision; thus trampling under foot every obstacle which stood, or which might, in his way to Peace; and thus conquering for the moment the chief obstacle of all—and the one before which he finally quailed—his dread of those at whom these last words are aimed, and whom they threaten with his avenging power; thus did he proclaim his irrevocable resolve to take the whole matter into his own hands, and announce that he was then acting in pursuance of that resolve.

Is such a course as this—on the part of a man of his base stamp particularly—reconcilable with the crude notion which constitutes the germ of what I have called, and call again—knowing no other name for such stuff—the *balderdash*, the unworthy, the disgraceful balderdash, with which the "Union" has insulted the intelligence of our country upon this subject? Where is the man who is able so far to blind himself as not to see, that if no other proof existed, this Manifesto stands there as a substantial reality, the existence of which is absolutely irreconcilable with such belief, as that the Armistice was a mere trick of Santa Anna's to gain time? With any such belief, as that he did not then intend to make peace? With any such belief, even, as that he possibly could, at that

moment, have believed otherwise than that peace was immediately to take place?

Again, take his appointment of commissioners. Whom did he select for this office? His own tools, who would do whatever he might bid them do, in the way of chicanery and cheater? No! He selected men of the very highest standing, from the ranks of the party which had always been opposed to him. Men, two of whom were among the few openly declared friends of peace in the country; and every one of whom—so great was their aversion to have anything to do with him, or with public affairs whilst he held the reins—it was a matter of extreme difficulty to prevail upon to act. With respect to these Commissioners, I will here repeat a passage contained [in] my last despatch, under date the 27th ultimo.

Before quitting the subject, I will call attention to the letter of Don Vicente Romero, contained in the "Razonador" of the 13th instant. It was the reading of this letter in Congress, on the 4th instant, by Don Eligio Romero, son of the writer, as the ground for the motion with which it concludes, that gave rise to the statement mentioned in my despatch number 20, respecting General Mora y Villamil. The Romeros are both ultra Puros. The father was a member of Santa Anna's cabinet, as Minister of Justice, at the time when the negotiation took place. The letter, it will be perceived, concludes its attack upon the Peña y Peña administration, by saying: "and in fine, General Mora y Villamil is the person appointed to the post of Minister of War: he who has been the avowed *Apostle of Peace*, and so decided in this character, that, in a meeting of the cabinet, of which I was a member, he said—he being at the time one of the Commission appointed to receive propositions of the Envoy of the North,—*that he had been for many years in favor of peace, and that this ought to be made by adopting the propositions made by Mr. Trist*': in which (let it be known, by the by) *the other commissioners* (Couto and Atristain) *concurred, except Señor Herera, who did not say a word*".

The fact here published to the world by a member of Santa Anna's cabinet, was previously well known (as such a fact could scarcely fail to be) to all the initiated here; and, that this was the disposition of the commission—of the *whole* Commission—was, independently

of what had passed in the Cabinet, known to their confidential friends. In addition to this fact, I will state another, one of many of the same complexion, well known in the select political circles here, to wit: that, so late as late in the night of Saturday, the 4th of September, Santa Anna was still undecided, whether he would not give to those very Commissioners, whose opinions had thus been declared in full Cabinet, a *Carte blanche*, to negotiate with me such treaty as they might deem proper.

To this latter fact, I have an amendment or addition to make here. Santa Anna's state of hesitancy *ended in a determination to give the carte blanche, and a letter to that effect was actually draughted by the Secretary of State, after 3 o'clock P. M. on Sunday, the 5th of September.* This was the state of things, when Santa Anna was again made to waver by the interference of a person already mentioned in former despatches, as the one who had been chiefly instrumental in alarming him at the treaty. After this, he could not again be prevailed upon to come up to the mark. In my despatch giving an account of my last meeting with the commissioners, on the 6th of September, I mentioned the circumstance of their having come out in great haste, several hours after the time appointed, bringing with them only the *draughts* of the Counter Project and the communication accompanying it. *Those papers had just been prepared.* The question, whether our Project was to prevail, *had remained in suspense until that moment.*

Thus near had we come to the attainment of our object: Thus nearly had the restoration of peace to our country come to pass, as the consequence of that armistice and negotiation, in which, thro' the atmosphere of Washington, nothing could be seen, save a trick of Santa Anna to gain time, and, on the part of General Scott and myself, imbecility the most egregious.

No! There was no deceit practiced upon either General Scott or myself. There were, it is true, two dupes in the case: but both were the dupes of their own characters,—of what passed within their own bosoms, their own hearts and their own heads, of the moral obliquity which renders them most extraordinary twin phenomena; altho' these phenomena present one most remarkable difference, to wit: that whilst the production of the one is most easily accounted for by natural and obvious causes, the other is altogether incomprehensible, for the very reason that the circumstances under

which it was produced—the circumstances with which our happy country environs every man born and bred within her bosom—are adverse in all respects to the production of such a character.

Of these two dupes, the one was Santa Anna; the other, a most worthy compeer of Santa Anna, so far as he can be made so by the same low craving for distinction, and the same happy facility in deviating from the way of truth, and in being deaf to the dictates of common justice and common honesty, while pursuing his object: a person, in fine, whose character, in regard to the reach of his mind and the tone of his mind, was most felicitously and accurately sketched by a friend of mine in these words: “it is such as to qualify him for shining at a country court bar, in the defence of a fellow charged with horsestealing: *particularly* if the case were a bad one, and required dexterous tampering with witnesses”.

These two were the dupes in the business, and the only dupes: The only dupes *here*, at least; for I cannot pretend to say, how many each of them may not have made *elsewhere*. Of the American, I may have—I *shall* have, I know—more to say hereafter. Here, I will confine myself to the Mexican.

Santa Anna, then, was a dupe in more than one particular: he was the dupe of his *suspensions*, the dupe of his *hopes*, the dupe of his *fears*, and finally *my* dupe, altho’ very innocently and unintentionally on my part. Of his suspicions, inasmuch as he allowed himself to be brot’ to believe that the armistice was, on our part, a mere trick to “gain time”, for reinforcements to arrive, a *trick on our part*, just precisely a match for, the very twin brother of, the one on *his* part, which our country has been given to understand by the “Union”, that General Scott and myself had proved ourselves such arrant imbeciles as to be taken in by. Of his hopes, inasmuch as he allowed them to flatter him always with the possibility, that the *next* conflict might prove favorable to the Mexican arms: and that, the national honor being thus vindicated, he should be enabled to make a treaty with far less risk to himself. Of his fears, inasmuch as he allowed them to make him believe that there would be less danger in abandoning, than in carrying out, the bold determination which had dictated his manifesto, and an unflinching adherence to which—as the event has proved—could alone save him, as it unquestionably would have saved him; for the time, at least, and very possibly forever.

The manner in which he came to be my dupe was as

UNAM - IHH

follows: While at Puebla, I had been approached—not on the part of Santa Anna, but of a foreigner deeply interested in the restoration of peace, and exceedingly active in his endeavors to bring it about—by a person whose object was to obtain some idea of the terms, to which it was necessary to reconcile Santa Anna. He touched upon the territory between the Nueces and Bravo, as being the point of greatest difficulty; and my answer was, to this effect: “I can say nothing about the boundary, until the negotiation shall have been opened; but let them take this step, and they will find that our terms are not so bad, perhaps, as they expect”. This person, as I discovered after the negotiation had commenced, left me, impressed with the idea that the Rio Bravo would not be insisted upon; and this impression being communicated to Santa Anna, he was greatly influenced by it in venturing upon taking the position which he did in his Manifesto. Upon discovering the mistake, he was greatly alarmed and incensed.

One more point, I will touch upon, under this head: *The terms of the Counter-Project*. Here, in truth, was a trick, and a trick of Santa Anna's but it was not practised upon or against us, his own Country was the object. It was never expected, that this Counter-Project would be considered by me, would engage my attention for a moment. The time when it was presented proves this conclusively: for it was not produced—it was not written—until the 6th of September, when all idea of peace had been abandoned. This paper was but a part of Santa Anna's store of *ad captandum* “material”, which, true to his character, he had begun to provide himself with from the beginning, to meet the possible contingency of a failure of the negotiation: in which event, it would be necessary for him to be able to prove, that notwithstanding his having consented to negotiate, he had been as strenuous in upholding the interests and honor of the country as the most ultra of his assailants could have been. This character is so deeply stamped upon the entire series of documents, (which, be it remarked, he lost not a moment in publishing and scattering all over the Republic) that it would be as easy in our country to find a man unacquainted with the taste of table-salt, as to find here a person of tolerable intelligence who would require more than a glance to see into the whole proceeding; to see, that there is nothing in it but the thread-bare trick of political mountebanks, to hide up the truth under a great show of “official” falsehoods, prepared

before hand, to be suppressed or to be produced, according as circumstances may require.

But, in respect to this also, as in regard to every thing else, the telescope proves itself to be an inverting one. While the real, *bona fide* intention (it may not be as unnecessary precaution, here, to protest against my use of this term being taken as a proof of idiocy, by being construed into an admission on my part, that it is within the bounds of possibility that Santa Anna should ever act in *good faith*, according to the true and proper sense of the words: that is to say good faith, for *its own sake*) while this real, *bona fide* intention to make peace converts itself, for all eyes viewing matters thro' that telescope, into a shallow trick; the shallow trick now under consideration converts itself into an expression of real, genuine, *bona fide* intentions. Nay, it puts on *dignity*, high dignity; dignity enough to make in worthy of arousing the sense of dignity or our Government, dignity enough to require our Government to become careful and solicitous and alarmed about what the poor Mexicans are so often heard to talk of under the name of "*pundonor*". To this extent, nothing short of it, goes the transformation! The pitiable expedient of a miserable, trembling Faction, to save itself, to prolong its miserable existence, by practising upon the stupid ignorance and playing upon the imbecile pride of its own country,—this stuff, transmutes itself into something which can touch and wound the dignity of Ours! 'Tis true, the Faction from which the trick proceeded had actually terminated its existence, and become fugitive and outcast, scattered to the winds, before the power of the printing press, prompt and rapid as it is, could be brought into play, to make the trick effective; before the power of steam could carry the thing to the Press in the nearest part of the United States. But, this did not alter the case: the "terms proposed"—*proposed* in the sense I have stated, and in no other—were derogatory to the honor of our Country; and she must bristle up. Yes! Our Country, the United States of America, must bristle up! Just as she would do, if derogatory terms had been proposed, in the most deliberate and solemn manner, by England or France or Russia. And against whom must she bristle up? Against whom must she feel indignant and resentful? Upon what object must her high wrath be poured, and the sin of that Faction be visited? Upon Mexico! Upon unhappy, distracted, faction-torn, helpless Mexico! She is the Being, with respect to whom the United States of America must be vigiland and jealous of the high *pundonor*! Her unhappy

UNAM - IHH

inhabitants—for they *cannot* be called a *Nation*—her helpless inhabitants: no wish lay so deep at the bottom of their hearts as the wish to see that very Faction broken up, and scattered as it has been. It spoke not their will, it had no sympathies with them, it was their oppressor, their worst enemy; its destruction would be to them deliverance. But, on the eve of its downfall, it had made derogatory proposals! Such proposals had actually been written down upon a sheet of paper, and that paper had actually been handed to a Commissioner of the United States of America! The *Pundonor* consequently had been touched. And—what? Let my country give the answer! When the truth shall have become known to Her, and she shall have bestowed one thought upon it, let Her say what are the feeling on her part which become *her* civilization, *her* Intelligence, *her* Position of Pride among the Powers of the earth.

Alas, alas, alas! My National sensibility has, I confess it, been outraged. My Pride of Country—and but few of her sons can be prouder of the title—has been touched to the quick, wounded in its very core. But, *my* Pride of country is not of the right sort, perhaps; for, the indignation which it causes me to feel directs itself to *what may* be the wrong quarter. Most certain am I, that the feeling which preceded it was mortification, not anger.

Here concludes what I have to say for the present—and I trust shall never again be under the necessity of touching the subject—under this last of the four heads into which it has divided itself.

It had been my intention, on commencing this communication, to limit it to those four heads: that is to say, to an explanation of the reasons by which I have been actuated in taking the determination which now keeps me in this country. But, whilst engaged in this task, my mind has necessarily reverted to the whole series of events in which I have taken part, embracing *the offer made by me to the Mexican negotiators*. Whilst this topic is fresh in my thought, I will, to enable me to dismiss the entire subject at once—and I hope forever—enter into the explanations which that offer requires, in order that a just opinion may be formed respecting it.

In my last despatch, after acknowledging the receipt of the communications recalling me, I said:

On a future occasion perhaps—should I ever find time to employ on a theme so insignificant with respect

to the public interests, and so unimportant in my own eyes, as regards its bearings upon myself personally,—I may exercise the privilege of examining the grounds for the censure cast upon my course by the President, and explaining those upon which rests the belief, still entertained by me, that that course was calculated to attain the end contemplated by our Government, and was the only one which afforded the slightest possibility of its being attained: the end, I mean, of bringing about a Treaty of Peace, on the basis, in all material respects, of the Project entrusted to me. For the present, I will merely call attention to the fact, that a mere offer to *refer a question* to my Government, constitutes the only ground on which I can be charged with having “gone so far beyond the carefully considered *ultimatum* to which [I was] limited by [My] instructions”.

Whether this offer, under the circumstances and prospects of the crisis when it was made, was wise or unwise—wise or unwise, I mean, with reference to the end desired by our Government—is a question which no longer possesses any practical importance; tho’ the time was, when it constituted with me a subject of the most careful and the most anxious deliberation: not because of the personal responsibility attaching to the decision in which that deliberation resulted,—for *that* never occupied my mind for an instant—but because I knew and I *felt*, that, upon my decision depended, according to every human probability, the early cessation of the war or its indefinite protraction. The alternative presented by the position in which I found myself was, on the one hand, to keep on sale ground so far as I was personally concerned and destroy the only possible chance for peace; to assume responsibility and keep that chance alive, with *some*, prospect, at least—and, all things considered, as perhaps I may hereafter take trouble to show, by no means a prospect to be despised under such circumstances *That the adoption of our Project might come to pass.*

At the time when this was written, I had no idea that I should ever occupy the position in which I now stand. I considered my connection with this whole subject, and with public affairs generally, (except as a citizen) as having terminated forever; and regarding the question, therefore, as devoid of all practical importance to our country, I deemed it improbable in the extreme, that I should ever allow my-

self to be tempted to waste upon it any portion of the time which I am provided with full occupation for, during the remainder of my life, upon numberless topics, the investigation of which is to me a pleasure that nothing but the active duties of life has power to draw me from. But, the state of the case is now entirely changed in this respect. In consequence of the determination, upon which I am now acting, the question has again become one of direct practical importance to our country: for it has a forcible bearing upon the question presented by that determination; so far, at least, as regards my fitness or unfitness, as manifested by past events, to form determinations of this nature; and consequently, so far as regards the probable complexion of the results which may be expected in this instance. If, in the former, case,—one of some difficulty certainly—my decision was really not a stupid one, but the reverse; if it was not calculated to injure, but on the contrary was calculated to advance, the cause which it was intended to promote: then will this afford a presumption at least, that I am not acting stupidly or mischievously now. And, *vice versa*, should that decision, upon an attentive consideration of the grounds on which it rested, appear still to have been unwise, this will afford a presumption that my present course partakes of the same character. In this respect, therefore, the subject is one of immediate practical interest at the present moment.

The question is, *whether the offer made by me was wise or unwise, with reference to the end desired by our Government: this end being, the early conclusion of a Treaty, on the basis of our Project, in all material respects; that is to say, so far as regarded Boundary, Amount of compensation, and the Principles involved in the minor details.*

What were the circumstances and prospects under which it was made? This question is, to a great extent, answered by what has been stated above, under the four heads. It has there been seen, in part, on what grounds rested my conviction, that Santa Anna was earnestly and anxiously disposed to peace; that the renewal of hostilities would inevitably result in the dissolution of the Federal Government; that the formation of another Federal Head was improbable in the extreme; that even supposing one to arise, its character, with respect to the restoration of Peace, was altogether problematical, and the chances very greatly on the side of its being adverse.

On the other hand, should the Armistice be prolonged, these would, in all probability, follow: Santa Anna's position,

with respect to his own countrymen, would become stronger and stronger every day. Even supposing the causes which had made him recede from the determination which had produced his Manifesto, to remain in full force, his means of self-protection whilst acting in defiance of those causes would augment. His nerves would have time to recover from the shocks they had received from protests on the part of the State Governments, and arguments and warnings on the part of individuals, which had been pouring in upon him, ever since the rumour of an Armistice had gone abroad; and which proved how vivid was the apprehension, and how extensively it prevailed, that he was about to make peace. But the causes just referred to could *not* remain in full force. To say nothing of the means he would himself employ for diminishing them, their diminution could not but happen in a way altogether independent of him. The *Moderado* party, which heretofore had kept entirely aloof from him, and had never taken any part in public affairs except in opposition to him, now found themselves committed in a very great degree, to give him their support, so far as this might be necessary for the restoration of peace. That party had long wished for peace, and the chief cause which had deterred them from active exertions to bring it about was, the fear that, if made while he was at the head of affairs, it would confirm and perpetuate his power. While *he* had been waiting for an opportunity when it might be made with advantage to himself, *they* had been waiting in the hope of seeing his downfall. But now, four of the leading men of this party had committed themselves irrevocably to the cause of peace, even altho' it should be made by him. They had gone so far, even, as to commit themselves in favor of the acceptance of our Project; and this fact—as is proved by Romero's letter—was known to their political enemies. At the head of these four men was General Herrera, the favourite candidate always of the *Moderado* party—and of the People—for the Presidency; as is proved by his having repeatedly been elected to that office. He is, at this time, the President elect, by a perfectly fair Constitutional election, and is to come into office early in January. From this resulted a strong probability, that the influence of the whole party would immediately begin to exert itself actively in favor of peace.

What, then, did I expect from the offer made me? In the first place, this offer, if accepted, would commit the Mexican Government, commit Santa Anna, commit the Commissioners,—*officially* commit them all—to every *principle*

involved in the treaty: to the principle of alienating their territory; and, in a very great measure, to the alienation of that territory, *to the extent* demanded by us. Beyond this, I expected, *first* that the answer from Washington would be a peremptory refusal to accede to this modification of the boundary: a refusal which,—even if matters, here, should then remain precisely as they had stood when I made the offer, and none of the highly probably changes in favor of the cause of peace should then have occurred—would at least be attended with the effect of conclusively satisfying them, that the determination of our Government, on this point, was *unchangeable*; an effect which, considering my long absence from Washington and all the circumstances of the case, could not possibly have resulted from any degree of inflexibility on my part; for this would naturally be ascribed to timidity about departing from instructions. I expected *secondly*, that when this answer should be received from Washington, the state of things here would be infinitely more favorable to the conclusion of a treaty; and that Santa Anna, thus encouraged, would have recovered entirely from the agitation which had unmanned him, would have become restored to and confirmed in the determination which had produced his Manifesto, and *would adopt our Project*.

This is what I *expected*, as the almost certain result of the acceptance of my offer. But, without believing my judgment infallible—and the weakness of my understanding does not go to any such extent—I could not feel *absolutely certain*, that our Government would, give such refusal. My convictions in regard to the degree in which the restoration of peace was *desired* at home by the country, by the Government, by the Democratic party, especially,—on broad grounds and on narrow grounds; my convictions in regard to the degree in which the restoration of peace was *desirable* to our Country: these convictions all came upon me in full force. I recollected, too, that the establishment of a “desert” boundary had once been a favourite idea with a portion, at least, of our Statesmen. Influenced by these convictions and this recollection—independently of the *positive* advantage which the prolongation of the Armistice offered, as has just been explained—I felt it to be my duty to afford to our Government the opportunity of determining for itself, whether, under existing circumstances, it would or would not be advantageous to our Country to accede to this modification of the boundary, rather than protract the war indefinitely. What would have been my feelings, as a servant of the Government, as a

citizen, as a man; what would have been my feelings, had I, at such a crisis as this, opened anew the dread flood-gate of war, and afterwards discovered that the chance for the restoration of peace, thus destroyed by my cowardly and imbecile selfishness, would have been acceptable to our Government?

With regard to the *military* consequences which would have attended the acceptance of my offer, these would not have deterred me from making it, even if the probability as to then had been, to a certain extent, unfavorable to us: that is, to say, if it had seemed probable that the difficulty of taking the city would be greater at the expiration of the forty or forty-five days, than it then was. For, even in this case, I should have been governed by the consideration, that the object for which our army had been sent here,—the object, for which all the blood and treasure thus far poured out had been poured out, was *Peace*. And, bearing this in mind, as I have constantly done—and as General Scott has constantly done, to his eternal honor, let it be repeated!—bearing this in mind, it struck me as absolutely incompatible with the motive for the expenditure of all that had been expended, that a good chance for Peace, and for preventing all further effusion of blood, should be thrown away, rather than incur the mere *risk* of slightly increasing the difficulty of the next step in the prosecution of hostilities, should the necessity for their renewal occur.

This is the view of the subject by which I should have been governed, even on the supposition I have made. But, that supposition is the reverse of the truth. The military consequences of the prolongation of the Armistice would have been advantageous to us in a high degree. To say nothing of the chance of re-inforcements, the effective strength of our army could not but increase, by the recovery of the sick and wounded, who were now under circumstances highly favorable to them, occupying positions far healthier than the city, at that season particularly. Towards the end of October, the heat would have become far less, the season would have set in, the roads would have become dry and firm, and the artificially flooded lands would, to a great extent, have become so likewise.

The only evils in the opposite scale, mentioned in the President's criticism, upon the proposed prolongation of the Armistice are, that it would "have afforded the Mexicans an opportunity to recover from their panic, to embody their scattered forces and prepare for further resistance": These

UNAM - IHH

evils, had, I confess, very little weight with me. This opportunity had, to a far greater extent, and under circumstances immeasurably more advantageous to its being used effectively, been afforded them by General Scott's forced detention at Puebla, thro' his numbers there being kept down below one half of the force which, according to his plan of campaign, was necessary to ensure its success, and which it had been promised that he should have. And yet, what had been the result? Let *Contreras* and the events which followed on the same day, give the answer. These had certainly not been of a nature to diminish the mental impressions made by Cerro Gordo; and they served also to prove, of what great worth it was to them to recover from their panic, even supposing such recovery to take place whilst they were in the immediate presence of the terrible men whose utter recklessness of life—for this was their own way of talking of them—they had just had such a specimen of. As to the embodiment of their scattered forces, this had already taken place, as far as it was possible that it should happen. There were no more troops, anywhere, to embody. Upon this point, there was no difference of opinion, among the most intelligent and best informed foreigners in the country: a class of men who are receiving every day, letters from every point of the compass, which keep them constantly informed of every thing that is going on, civil, political or military; for such is—for reasons that are perfectly obvious—the natural and regular complexion of even *commercial* correspondence, in a country so constantly convulsed as this.

With respect to what else might come under the general head, "prepare for further resistance", this limits itself to the strengthening of fortification; and these were already so strong that they could not be made stronger; so perfect and complete everywhere, that, save a trifling finishing off here and there, nothing could be done to them, except to *carry them*; as no one doubted that our troops would do the first time they undertook it, altho', for the reasons above stated, it would have been a somewhat easier, and a far more comfortable and less dirty job—in the way of mud and water, I mean—late in October than early in September, notwithstanding the fact that we were favored by the weather to a degree which the oldest inhabitants would have pronounced impossible. The detention of our army at Puebla had left the Mexicans nothing to desire in the way of time. On the contrary, time was now a burthen to them, owing to the daily increasing difficulty of commanding means to subsist the

troops collected here. This was to them, a most serious evil and a cause of constant disquietude. I have omitted to mention it among the military advantages which would have resulted to us from their acceptance of my offer; because, altho' it would have been a real advantage in this point of view, it would have been a most serious evil with reference to the object for which I made that offer,—*Peace*. In this regard, there was nothing which gave me more, or even so much, uneasiness as the prospect of the army's disbanding itself, and of Santa Anna's being thus left without the kind of support, on which alone he could ever rely for any purpose, and the continuance of which was absolutely indispensable to his making that treaty of peace, which constituted the object for which our army had invaded Mexico, and now found itself at the gates of her capital; and which, at that time no human being here considered as being possible, *except at his hands*.

On the question as to the value of the prolongation of the Armistice to the Mexican side, Santa Anna may be admitted to be a tolerably good judge. He knew better than anyone else—his bitterest enemies would readily admit this—what use could be made of forty or fifty additional days, whether in the way of curing his officers and men of the panic disease, or in the way of embodying troops, or in any other way of preparing for further resistance. And what did he think on the subject? He thought that the measure would be attended with military advantages to us, so important and so perfectly obvious, that he at once pronounced my offer to be, not a *diplomatic* trick on my part, but a *military* trick, originating with General Scott; and so barefaced a one, too, that he was incensed at the insult to his understanding and to the military qualifications on which he prides himself, and which, in the way of preparation at least, are certainly great: for, in this line he has truly accomplished wonders. This notion took such complete possession of him, that it was of no use to combat it, and it sensibly increased the bitter personal animosity—strongly contrasting with the feelings he evinces towards General Taylor—which he has conceived towards General Scott. He would not hear of my offer. The question upon which his mind vacillated was, not the adoption or rejection of that offer, but the adoption of the ultimatum of our Project: that is to say, the giving of a *carte blanche* to the commissioners who had, in full cabinet council—altho' it is due to them to say, that nothing of the sort was ever intimated to me—declared themselves in its favor.

UNAM - IHH

The contents of the despatch from the Departament, devoted to the subject of this offer, may be comprised under two heads: *first*, the reasons which would have determined the President's mind against acceding to the proposed modification of the boundary; *secondly* 'his profound regret' that I should have made the offer, and his "opinion" that the prolongation of the armistice, as contemplated by me, "would have been truly unfortunate".

Upon what comes under the first head, I will remark, that, even if those reasons had constituted objections, which, from the *very nature of things*, were *absolutely insuperable*; and if, from my knowing myself to possess an absolute infallibility of judgment, I had known with absolute certainty that they were insuperable: still, even on this supposition, they would have constituted no reason whatever against my making that offer. Viewed with reference to the considerations which governed me in making it, those objections, and all possible objections which would be brot' into the same array, are seen at a glance to be absolutely irrelevant to the question, whether that offer was a proper and a wise step on my part, or the reverse.

I will remark further, that, strong as they are, and altho' they might and probably would have exercised a decisive influence upon my own mind, as a citizen and voter of our country, on the question of acceding or not acceding to the proposed modification of boundary: still, those objections do not present to my mind the least semblance of being absolutely insuperable from the *very nature* of thing. On the contrary, there is not one of them which I cannot conceive of, as being readily surmounted, obviated and cleared away, without the violation of a single principle and without wrong to a single human being; and consequently as being very properly cleared away, if the welfare of our country required it. No one, certainly—unless he pretend to know all things, future as well as present—can assert the absolute impossibility of a combination of circumstances, under which—even in regard to an antagonist so entirely at our mercy as Mexico is—the importance of Peace to our Country might be so great as to justify sacrifices even greater than any that would have been involved in foregoing every advantage and removing every difficulty referred to in your despatch. And, whether the state of things in which our country did find herself at that precise moment, was or was of this character, was a question which—independently of the other considerations which actuated me in the course I took—I deemed it my

duty to secure to her Government the opportunity of deciding for her.

In the course of the observation which I have referred to [under] this head, the country between the Nueces and the Bravo is spoken of, as if it constituted absolutely and irrevocably a part of Texas. This point, as I have before said, is altogether irrelevant to the question, whether I acted right or wrong in making the offer I did. Nevertheless, I will bestow upon it the passing remark, that, if there be any correctness in this view of that matter, then am I altogether incapable of understanding any of the great principles which lay at the foundation of international law. According to the notions, such as they are, which I have acquired, *consent*—*mutual consent*—is, from the very nature of things, the only possible ground of a perfect right to any boundary: and, by the very terms of her admission into our Union, the right of Texas to the Rio Bravo, as a part of her boundary, was made to depend altogether upon such consent as might thereafter take place on the subject between the United States and Mexico; as, previously to her admission, that same right had depended upon consent between Texas and Mexico. Whether Texas does truly possess “the same sovereign rights over it (the country between the Nueces and the Bravo) as over any other portion of her territory”, is a question which depends entirely and exclusively upon consent between parties, of which Texas has ceased to be one. It is a question, to which no possible acts of Texas, no possible acts of the congress of the United States, can be otherwise than entirely irrelevant, except *thro’ that consent*: that is to say, except as constituting reason and motives by which the precise character of that consent ought to be determined.

In this connection, it may be remarked, that the proposition which I offered to transmit to my government, if it should be made to me, cannot with accuracy be said to have been a proposition that the United States should “*surrender* that portion of the State of Texas” and even if it had contemplated, that the country in question should be recognised as Mexican territory, it could at most have been said to be a proposition that the United States should *restore possession* of that portion of the territory *claimed* by the State of Texas: for, by the very terms of the act admitting her into the Union, as well as by the principles of international law, the *possession* thereof is all that she can be said to have, until her boundaries shall have been ascertained in the manner which that act requires. But the proposition referred to did

not contemplate even that the *possession* of that country should be *restored*. It contemplated that Mexico, as well as the United States, should be precluded from occupying it.

Passing to the second head, I will, in the first place, point out the logical error—and the injustice involved therein—of characterising my offer as going “far beyond the carefully considered ultimatum to which [I was] limited by [my] instructions”. This phrase, connected as it is with an expression of the President “profound regret”, is expressive of strong censure on the part of my country, thro’ her proper organ; whilst the idea which it conveys of the ground for that censure is both very indistinct, and, so far as it is at all tangible, totally inaccurate.

The only fact which would correspond with this idea would be the fact, that I had signed a treaty or proposed to sign a treaty, varying from the *ultimatum* to which I was limited. No such fact has occurred. No such fact, even, has occurred, as would be necessary to make the statement an accurate one, that I had violated my instructions, or departed from them, in any way. Why? Because the course which I pursued had no bearing of any sort upon any thing contained in my instructions, either expressly or impliedly. Because the alternative in which I found myself, and from which there was no escape, was altogether unprovided for in my instructions. For, those instructions (and the same is true with respect to those under which General Scott acted) contained not even the remotest reference to an armistice: an omission, which, considering the nature of the case, has struck me as being no less extraordinary than unfortunate. I was sent here to make a treaty, within the limitations prescribed to me, provided the Mexican Government should be disposed to make it. For this purpose, I was placed at the side of the commander of our invading forces, and the Mexican Government was informed of this fact. But, suppose that it should express a disposition to treat, and should ask an armistice for the purpose of hearing my terms: what was to be done then? Even, on this point, the commander of our army was left to act on his own responsibility entirely: not *directed* so to act, but *left* so to act; placed in a position in which he must take the responsibility of refusing or granting; and without the remotest hint, in regard to the considerations by which he was to be governed when placed in the alternative. And, suppose the Armistice to occur, and such a state of things to arise as that which did arise; a state of things, which, so far as regarded the *negotiation* merely,

is of constant occurrence in diplomatic transactions; that is to say, the treaty which I was authorized to make could not be made, but a certain approximation to it might be effected. Suppose this to happen: what was then to be done? Why, of course, acquaint your Government with the state of the case: this is the dictate of common sense, and the constant practice accord with it. But, the *Armistice*: what is to be done meanwhile, as to the Armistice? Suppose the continuation of this to be a matter of obvious and indubitable necessity to the preservation of even this chance for the restoration of peace: what is to be done then? Here is another alternative. There is no escape from it. The Armistice must be continued or it must be discontinued. A positive decision is called for. The question is not between acting and *not* acting, between moving and *standing* still, between doing something and doing *nothing*, between assuming authority or *not* assuming authority. The question is between doing one thing or doing the opposite thing. Such is the nature of the alternative. And here also, did the commander of the army and the commissioner find themselves planted by the Government in a position where they could not but take the responsibility of doing the one thing or the other; and this, as I said before, without the remotest hint in regard to the considerations by which they were to be governed.

Finding myself in this position, I made my election to the best of my judgment; governing myself by what I knew to be the *end* for which I had been sent here, and the *spirit* in which I had been sent. In making this forced and inevitable election, I cannot, with any accuracy be said to have violated, or departed from, or transcended my instructions in any way; nor even to have *assumed* authority beyond the sphere assigned to me by those instructions. Above all, I cannot be said to have gone far beyond the *ultimatum* to which I was limited.

The President's opinion "that the prolongation of the Armistice" would have been truly unfortunate is expressed in the following words:

To have arrested our victorious army at the gates of the capital, for forty or fifty days, and to have afforded to the Mexicans an opportunity to recover from their panic, to embody their scattered forces and prepare for further resistance, in order that in the mean time, you might refer such a proposal to your Government,

would, in the President's opinion have been truly unfortunate.

Such is the "opinion", or in other words, the decision or condemnation, passed by the Chief Executive functionary upon the conduct of one subordinate to him. Infallibility of judgment, however, is not among the attributes of a President of the United States, even when his sentences rest upon full and accurate knowledge of all the facts and circumstances on which their justice depends. Conformity to those decisions so far as they have a bearing upon their respective fields of service, is all that duty requires on the part of subordinate executive agents. The convictions on which they rest, however honest and however mature, have no right to demand adoption, or to require an acknowledgment of their justness. It is the right of every citizen to examine into this for himself. This right, I have exercised, with respect to the sentence passed in the present instance, not because of its bearing upon myself, but for the reason that a full examination into its merits, and into the entire subject, was demanded by the highest interests of my country.

The ill consequences here attributed to my offer, in case it had been accepted, have already passed under review, and been seen to be altogether illusory, altogether the reverse of those by which it was likely to be attended. I will here, only remark, that, to arrest a victorious army at the gates of the enemy's capital, is not, in itself, necessarily an imbecile or an unwise proceeding. The most that can be said in favor of the propensity to view it in such light is, that there is a *prima facie* presumption on its side, and that this advantage may give to the condemnation of the measure a strong hold upon the public mind, altho' it be in truth, altogether devoid of justice. A rational judgment upon its character requires an attentive consideration of a number of question, which vary according to the nature of the case. Among the inquiries pertinent to the present one, is the following: *Why*, for what purpose, *was* "our victorious army at the gates of the enemy's capital"? Was conquest the end in view? Or was it military glory and fame, for the army and its commander and its country? This inquiry is fully answered by the solemn asseveration so often made by our Government. It was neither conquest nor glory. *Peace* was the end aimed at. It was solely through the earnest desire of our Country and its Government for a Treaty of Peace, that our army had been sent into Mexico. Such being the object for which our

army, "our victorious army", was "at the gates of the capital"; it follows, that, to arrest it there, whether for forty or fifty days more, or for a longer period, would have been a wise proceeding or a foolish one, according to the *probabilities* which presented themselves, with reference to its conduciveness or its adverseness to that end. Upon this question, the preceding pages shed some light.

Throughout, I have proceeded on the assumption, that Peace, by means of a treaty, in harmony with what our Government judges to be the just rights of our country, is the end, and the sole end, for which hostilities are waged against Mexico. This conviction has governed me on every occasion, and it has constantly governed General Scott likewise. How entirely he has been controuled by it, may be judged by this one fact: on our departure from Puebla, he believed, that, as we should be descending the slope into this basin, we should be met by an offer to treat; in which case, it was his intention to halt the army at the first suitable place, and there await the result. He well knew what a harvest of glory had ripened to our army on this plain: for he never for an instant doubted the issue of the campaign, nor of a single conflict that has taken place; but his mind was made up, and cheerfully made up, to forego all this, when already within his grasp, in order to fulfill the desire of our Government and our country for peace.

But, most grievously would he have erred, if Major General Gideon J. Pillow is to be relied upon as an exponent of the views of our Government. When the Armistice was drawing to a close, this person, then *the second in command of this army* (!) took occasion to have a *diplomatic* conversation with a gentleman belonging to one of the foreign Legations here, who, with expressions of surprise, repeated it to me directly after. General Pillow having expressed great disapprobation of the armistice, (which he had been in favor of *before it was entered into*) had been answered by explanations of its indispensableness to negotiation. These appearing not to have any weight with him, the gentleman in question was led to say, "Why, I thought that the object of your Government in this war was a treaty of peace". "True": (replied General Pillow) "that is the object of the *war*; but the object of *this campaign* was, to *capture the capital*, and *then make peace*".

This was from the individual, then, as I have already observed, *second in rank in this army*, and who, in the event of the death or disability of General Scott, would have suc-

ceeded to the command! An individual who gives himself out for the *maker* of the President. (by having procured his nomination at the Baltimore Convention) and as the President's *other self*: a pretension which I have reason to believe but too well founded. Justice towards Mr. Polk, and respect for truth, alike require, however, that I should not utter this belief, without at the same time expressing my perfect conviction, that the identity referred to extends no further than the point to which it is carried by a blind confidence on the part of the President, in the understanding and the principles of a man, who, of all that I have ever known, is the most unworthy of confidence. Beyond this point, the identity goes not. There is not the slightest resemblance between their characters, in any one respect.

I am [etc.].

Manning, *op. cit.*, Vol. VIII, p. 984-1015.

335

15 de diciembre de 1847. Washington. J. Sierra a J. Buchanan.

Sir:

On the 24th ultimo I had the honor, by your permission, of addressing to you a memorandum, in which I stated at full length the rights and desires of the government of Yucatan to have the military occupation of the island of Laguna and its dependencies by the naval forces of the United States, raised; a measure which could but redound to the justice and magnanimity of the government and people of the United States, and that when such military occupation should cease, the onerous tariff which now weighs so with that district, should also, altogether cease. I have the honor now to reiterate every thing stated in that memorandum, and to pray earnestly to your Excellency to communicate to me, at the earliest practicable moment, the determination of the government of the United States in the premises, as it is of the utmost importance to my government and the people of Yucatan to be made acquainted with it without unavoidable delay. None can doubt the magnanimity of the government of the United States in treating with feeble States.

I can but feel that I am trespassing on your valuable time in again calling your attention to this subject, but duty compels me to it, while the precarious state of the trade of the rest of Yucatan with Laguna, one of the very few channels left to her limited commerce, rendered more and more uncertain by every day's continuance, and must be known to your Excellency to exercise a great and direct influence upon the social and political condition of a country, seems also, to justify me in urging an early decision.

The informality of addressing to you this note in English will find its apology in the great desire I feel not to delay your answer, even by the delay consequent on a translation, short as it is.

I have the honor [etc.].

Manning, *op. cit.*, Vol. VIII, p. 1021.

336

20 de diciembre de 1847. México. N. Trist a J. Buchanan.

Sir:

In my last despatch, under date the 6th instant, the Governor of the State of San Luis Potosi is mentioned as dissentient, in the meeting of Governors which had recently taken place at Queretaro, from the determination there formed, to support the existing Federal Government, in its peace policy. I had no idea, when thus alluding to that functionary, that I was to be indebted to him for so striking a corroboration, as the one herewith transmitted, of the accuracy of what I have there stated, with respect to the character and the intentions of that Government, regarding the restoration of peace.

I refer to the letter, under date the 24th November, addressed by him (Don Ramon Adame) to Señor de la Peña, as Minister of Relations, and republished from a Toluca paper, in the enclosed number of the "Razonador" of the 18th instant. The pretext for this letter, as will be perceived, is, to ask for a copy of the proceedings at the conferences which the writer attended; which request being prefaced by a statement of what had occurred at those conferences, the

whole is then published, in furtherance of the designs of his party: designs which have been explained in my previous despatches.

The burthen of this complaint, as will be seen, is, that, at the very opening of the conferences, the Government established as a preliminary, that the meeting of the Governors had been called solely for the purpose of advisement and information, and not in order that the course to be pursued by the Government should be submitted to their decision, or be controlled by their views. He says,

The Cabinet constantly insisted, that even if their votes should be taken, the result was not to be regarded as binding upon the Government; and, having previously fortified themselves with extensive reports, they *precipitated the question*, (in utter disregard of the point which had been raised) by entering upon an exposition of the objections to continuing the war, of the embarrassments of the position of the country, and establishing definitively the necessity of making peace; of making it in *this very negotiation, now pending*, as being the last opportunity, altho' this opportunity afforded not the means of recovering the hour which has been irreparably lost.

He complains, that the convocation of the Governors had not for its object, even so much as to advise with them, inasmuch as the only purpose which it was made to serve, was, that "*of establishing in their presence, and without calling on them for an official opinion on the question, the necessity of making peace*". A judgment, on the part of the Cabinet, so uniform as this, *decided the question*". He states also, that, in the course of the debate, the Ministry had manifested doubts as to *the efficacy of the Decrees of the States against and ignominious peace*, and as to the *value of that spirit, with which the country is palpitating, against consenting to conquest or to a shameful peace*".

Again, he says,

Not only had the Cabinet taken from the Governors, or nullified, the very function which it had reserved to them, that *of enlightening*; but, satisfied with their own peculiar *data*, protected by those which might be afforded by that communication from Mr. Trist, and fully conscious that neither advice nor *light* was either practicable or desired, they *put forward their own predetermined*

and no longer doubtful vote, in favor of making peace. This opinion so firm, this conviction so profound, of its necessity, was at the same time attested by the resignation of the Ministers of Relations and of Justice and Finance, if any other course was to be given to the negotiation. For myself, I did not choose at that moment to mortify the Supreme Magistrate, by an observation which went to demonstrate, that a predetermined plan of proceeding so invincible as this, placed him under subjection and deprived him of all liberty to pursue the path of public opinion.

Such is the account given by this Governor, of the inflexibility manifested by the present Federal Government, in their determination *to make peace*; to make peace, in the only way in which it was practicable, *by acceding to our terms*. Thus substantial was the ground for the alarm, with which the minds of the opponents of peace were filled, at the moment when that alarm was suddenly turned into exultation by the news of my recall: or—to state, without any reference to myself, the cause by which this effect was produced,—by the news of the President's determination *to withdraw this mission*. This, it is, that did the mischief: for *my removal*, had the change been limited to this, would have been a mere circumstance. Not, that it would have failed to occasion deep sorrow, and even alarm, in every bosom friendly to peace, for I do know—and so does every foreigner here, and so does every person who knows anything about the matter—that those feelings would have been excited. But, they would have been unattended with any important consequence; they might even have exercised a favorable influence, *had my place been instantly refilled*: for then, my recall would have amounted only to a manifestation of the displeasure of my Government at the spirit of conciliation evinced by me,—or at my want of judgment, or whatever else it may be called—and to a proof of the inflexibility of that Government, in exacting a literal compliance with whatever it might demand of this country.

The Blow then received by the cause of Peace has, within a few days, been followed by another, scarcely less severe, from Mr. Clay's Cincinnati speech and Resolutions. All remark would be superfluous upon the tendency of these to shake even the firmest and most resolute friends of peace, in the conviction to which their minds had been brought, respecting the absolute indispensableness of the sacrifice of territory involved in the acceptance of my offer. This con-

viction had become perfect, and I entertained no apprehensions whatever, of its undergoing any, except by becoming every hour more and more deep and settled. But now, there are manifest indications of its having been shaken; and even if it should recover from this shock, and become as firm as ever,—a supposition which defies all probabilities—there would still remain the solid ground, thus furnished by that eminent citizen of our country, for bringing against any treaty which, may be presented for ratification, the objection, that the sacrifice which it makes is *totally unnecessary*. And should the treaty which I have offered to make be carried thro', all those who may have taken part in it, will forever remain exposed to the charge of having, without any necessity whatever for parting with any portion of their territory, however small, surrendered *one half of their country*: a charge which, however unfounded it might in reality be, could never be refuted, could never be otherwise than highly plausible, in the presence of such a declaration of views from a statesman of Mr. Clay's wide celebrity and immense influence.

This is the position into which the Peace party now finds itself thrown, by a shock proceeding from our country, at the very moment when the object for which they formed themselves and for which they have been toiling without remission, ever since the dissolution of the Government in September last, was about to be consummated. Their sincerity and their steadiness of purpose thus far, have placed themselves above question, and the impression upon every mind acquainted with the facts which have been occurring within the last few weeks particularly, has constantly strengthened, *that peace was at hand*; that, within a very short period after the assembling of the new Congress, early in January, the Treaty would be ratified. What are to be the consequences of this fresh blow to the cause, is more than any human being can pretend to tell. Some deem it fatal, others are still sanguine. For myself, I have had some moments of despondence, but they have been transient: I still see good reason to hope on still. At any rate, the suspense will not be long: ten or twelve days more, and the question is at an end.

The enclosed *Razonador* will be seen to contain also the project of a law presented by Señor Perdigon Garay, a distinguished member of the *Puro* party, and the mover of the articles of impeachment against General Mora y Villamil, charging him with treason, which constituted one

of the numberless maneuvers for breaking down the Peace-party. The *declared* object of the proposed law is, "to establish *during the war*, and for the purpose of *repelling the invader*", a certain body of troops, to consist of one man for every two hundred souls, and to be denominated "Militia of the confederated Mexican States". By any one acquainted with the state of things here, its *real* object is seen, at a glance, to be the highly laudable one of taking advantage of this pretext for embodying and disciplining a body citizen-soldiers, as a *security* against their own enormously overgrown army of Generals, who, so long as the country shall remain at the mercy of their *pronunciamientos*, constitute a fatality, under which every elements of good that it contains must continue to be smothered.

I am [etc.].

Manning, *op. cit.*, Vol. VIII, p. 1022-1024.

337

21 de diciembre de 1847. Washington. J. Buchanan a N. Trist.

Published letters and rumors from the army, at the first wholly discredited, have now assumed such a character that they cannot longer be disregarded: to the effect, that an offer was made or proposed to be made at Puebla, by General Scott and yourself, to General Santa Anna, to give him one million of dollars on his own private account, upon condition that he would conclude a peace with the United States.

Under these circumstances, I am directed by the President to report to the Department whether there is any foundation for these allegations, and if there be, to furnish it with a precise and minute history of all the particulars. If any such secret understanding existed with Santa Anna, then you will inform the Department what acts, if any, were performed by either or both of the parties in pursuance of it, and what was the final result.

You will recognize it to be among your first and highest duties as commissioners, authorized and instructed to negotiate and conclude a treaty of peace with Mexico, to

UNAM - IHH

keep your Government advised of every important incident connected with your mission. As you have not alluded in any of your despatches yet received at the Department to this attempt to purchase a peace from General Santa Anna, the President anxiously hopes that you have not been engaged in a transaction which would cover with merited disgrace all those who may have participated, in it, and fix an indelible stain upon the character of our country. I shall await your answer with intense anxiety.

J. Buchanan

Mexico. Instructions. November 10, 1845-April 6, 1854. Department of State. Vol. 16, doc. núm. 7, p. 83-84. NAW.

338

24 de diciembre de 1847. Washington. J. Buchanan a J. Sierra.

Sir:

Important and pressing duties connected with the meeting of Congress have thus long delayed my answer to your note of the 27th ultimo. I have now however, received the instructions of the President on the points which it presents, and hasten to communicate to you his decision.

After an interesting historical sketch of Yucatan since the termination of the Spanish dominion over it, you present two requests to the Government of the United States.

1. That the duties now imposed at Laguna, under the authority of the United States on the vessels and productions of Yucatan, may be abolished.

2. That the naval forces of the United States may cease to occupy the Port of Laguna and the Island of Carmen.

I shall first advert to your second request.

The President feels the strongest disposition to grant to the government and people of Yucatan every indulgence not inconsistent with the efficient exercise of our belligerent rights against Mexico. With every desire, however, to cultivate the most friendly feelings with her, he yet believes that the duty which he owes to his own country forbids him, for the present, to relinquish the possession of Laguna.

The position of Yucatan is peculiar. The President cannot recognize her as a sovereign independent State. She must still be considered as a portion of the Mexican Republic; but yet as a neutral in the existing war. Had she preserved her neutrality from the commencement of hostilities until the present period it is more than probable the naval forces of the United States never would have taken possession of Laguna. It is true that a contraband trade in arms and munitions of war was carried on between that port and the neighboring province of Tabasco; but yet we might have borne this injury rather than have exercised the unquestionable right of arresting it by seizing any portion of a state which professed neutrality. But the extraordinary Congress of Yucatan, by their decree of the 25th August, 1846, converted her neutrality into open war against the United States. After she had thus made herself our enemy, the port of Laguna, on the 21st December 1846, was unconditionally surrendered to our naval forces. It is true that Yucatan has again become neutral; but it cannot be denied that she has ever since been distracted by civil dissensions, and that the enemies of neutrality and partizans of Mexico are in open rebellion against her government. Under these circumstances the President cannot consent to surrender Laguna. That port from its peculiar position, presents extraordinary facilities for carrying on an illicit trade in arms and munitions of war with Tabasco. From information on which the President fully relies, it would be impossible for the authorities of Yucatan, with the best possible intentions, to prevent this illicit trafic. To surrender Laguna would therefore be to furnish the means to Mexico of seriously annoying the forces of the United States and prolonging the existing war.

To your first request, that of not exacting duties at Laguna on the vessels and productions of other parts of Yucatan, the President is inclined to give a favorable response. Whilst he deems it necessary to hold this port for the purpose of preventing Mexico from receiving military supplies from it to be used to our injury, no sufficient cause perhaps exists for the continuance of these imposts. Commodore Perry will therefore be instructed by the Secretary of the Navy to abolish them unless he may have reasons to the contrary not now within the President's knowledge. It is, however, to be distinctly understood that these instructions will be confined to the productions of Yucatan carried to Laguna in her own vessels, and are not to interfere with the inspection of such vessels and the execution of the revenue regulations by of-

UNAM - IHH

ficers of the United States; nor to sanction any trade whatever between Laguna and any of the ports of Mexico. The privilege thus accorded will continue so long as Yucatan shall in good faith maintain her neutrality but shall immediately cease the moment this is violated.

The claim of Mr. Cataya, to which you allude, shall be referred to the secretary of the Navy, after you have presented it in form, accompanied by the proofs in its support.

I avail myself of this occasion . . .

Mexican Legation. Notes to. July 1, 1834-October 30, 1854. Department of State. Vol. 6, p. 188-190. NAW.

339

7 de enero de 1848. Memorandum. N. Trist a J. Buchanan.

In my original instructions, under date of April 13th 1847, the following passage occurs:

"Should lower California not be embraced in the treaty, then it will become necessary to change the delineation of boundary, contained in the 4th article of the project in the following manner:

"Instead of the concluding words, "to the Pacific Ocean", let it read, "to a point directly opposite to the division line between Upper and Lower California, thence due West, along the said line, which runs north of the parallel of 32° and South of San Miguel to the Pacific ocean".

In the despatch of the Secretary of State of the 25th October 1847 the following passage occurs:

"It was to secure to us the port and harbor of San Diego beyond all question and to prevent the Mexican Government from hereafter contesting the correctness of the division line between Upper and Lower California, *as delineated on the map*, which you carried with you, that, in my original instructions, I directed, that, if you could not obtain Lower California, the 4th Article of the project should *in terms* fix this line as running, North of the parallel of 32° and south of San Miguel to the Pacific Ocean!"

Now these very "terms" are a subject of great embarrassment to me; and the map here referred to (and which I was directed to adopt) is also a subject of great embarrassment.

With respect to the "*terms*" it is exceedingly doubtful whether they do not *involve a contradiction* by calling for a line, which shall run both North and South of the same parallel. On the map referred to and by following which the "*terms*" now under consideration were written, "the division line between Upper and Lower California" is represented as being a parallel of Latitude "running North of the parallel of 32° and South of San Miguel": its distance from this parallel being a little upwards of one fourth of a degree or more than 15 miles. But it is altogether uncertain whether the true position of San Miguel be not either directly upon the 32^{d} . parallel or a little South of it: the probabilities appear to be, that it is the one or the other. In either case, a "due West" line running north of the parallel of 32° and South of San Miguel, to the Pacific Ocean", would be a self contradiction. Nor would it mend the matter by leaving out the words "due West"; for no line whatever, whether itself a parallel of latitude or not, (and on the map it is one) could possibly get South of San Miguel without ceasing to be a line running North of the thirty second parallel. In getting to the ocean it must leave San Miguel to the south, or else it must cease to be itself; that is, must cease to be *a line running north of the 32° parallel*.

The data upon which rests the great *probability* that the true position of San Miguel is as above stated, and the *certainty* almost that it cannot be north of a line upwards of 15 miles north of 32° , will be stated presently: a part of them at least. I will here enter upon the second point; the great embarrassment occasioned by the *map*, when taken in connection with another part of the definition of boundary and with the belief and intention in which it was written.

Agreeably to the "delineation of boundary" which I am instructed to insert in the treaty, the line is to run from the mouth of the Gila "down the middle of the Colorado and the middle of the Gulf of California to a point directly opposite the division line of Upper and Lower California, thence due west, along the said line which runs north of the parallel of 32° and South of San Miguel to the Pacific ocean".

Now agreeably to the map, the mouth of the Colorado is just $\frac{1}{2}$ a degree north of the parallel of 32° , and a little more than $\frac{1}{4}$ th of a degree north of "the division line between Upper and Lower California". In writing this delineation of boundary, therefore, it was manifestly intended that it should, and believed that it would give us the *whole*

of the right bank of the Colorado down to its mouth and moreover about 15 miles of the Western coast of the Gulf of California below the mouth of the river.

Such was the intention and belief, founded on the map. But, *agreeably to Geographical facts*, where should we in reality be put by this division line, so traced upon the map, as running "due west", upwards of 15 miles north of the 32d. parallel? This question is answered by the work of Mr. de Mofras published at Paris in 1844 (forty-four) by the French Government. A. The atlas contains a special chart of the mouth of the Colorado with all its soundings and details and its latitude is laid down as being in $32^{\circ} 51', 0''$: that is to say, *forty* miles south of where our map puts it. *Twenty five* south of where our map puts "the division line", and more than nine miles south of any *possible* line "running due west north of the parallel of 32° ".

This, I have endeavored to remedy by demanding as a place of deposit, one league square, at a *suitable place* on the right bank (which the chart shows to be the *channel* bank of the Colorado), below the mouth of the Gila. This I have demanded and insisted upon; but not in the intention of making it a *sine qua non*, should the question of treaty or no treaty turn upon this point. For I constantly bear in mind, that this is not a mere treaty for the settlement of limits, but one, on the making of which—on the speedy, the immediate conclusion of which depends the termination of war the question is between Peace and war. On the one hand is peace, now and immediately. On the other hand is *war*: the protraction of an indefinite time to come, of war, already raging; and which unless speedily arrested, is pregnant with consequences to our country, infinitely worse, far more to be deprecated than any which could attend a war brought home to her by an army 200,000 strong of the troops of England or France, and that army posted in any position which Napoleon himself might have selected for them as the one most favorable for making us feel in the fullest force *what war is*. Such is my conviction and the grounds of this conviction have been in part stated in my despatch of the 6th Decem.

But to return to my present difficulties:—Unless the latitude of the mouth of the Colorado given by de Mofras be erroneous, and unless the error *exceed nine miles* No "point directly opposite" any "division line between Upper and Lower California" (even supposing such division line to be now for the first time arbitrarily adopted) can be found

by going "down the middle of the Gulf of California without placing that division line *South* instead of "*North* of the parallel of 32°". Consequently even if it were agreed to establish now, as "the division line between Upper and Lower California", a line commencing on the Gulf, the above prescribed delineation of boundary would have to be charged, either by *omitting* the words underscored in the following extract or by changing the words "*North*" into "*South*": thence "*due along the said line which runs North of the parallel of 32° and South of San Miguel*".

As thus modified, the delineation of boundary would imply as an ascertained and settled fact, that "the division line between Upper and Lower California". [*sic*] That is to say" the *true and already established* division line as heretofore recognised,—commences on the Gulf some distance below the mouth of the river. The correctness of this implication is denied on the part of Mexico. She contends, that Lower California has always been considered as consisting of "the Peninsula" the *whole* "Peninsula", embracing a passage by Land to the continent, round the head of the gulf and across the Rio Colorado.

On examining the authorities in reference to this position it appears to be abundantly verified and fully made good. "Old or Lower California" is invariably spoken of as consisting of the "Peninsula", as embracing the whole of it. In both of the maps accompanying the work of M. de Mofras, the division line between "Old or Lower" and "new or upper" California is laid down as commencing *on the Colorado*: in the one *at* the mouth of the Gila, in the other a little *above* it. The work itself (vol I. p. 202) whilst describing the Gulf of California in the chapter devoted to Lower California says: "From the thirty first parallel upwards, its width diminishes rapidly till it reaches the Rio Colorado, *which separates old California* from the northern part of Sonora". Again (page 217) "About 20 leagues distant from the Rio Colorado is the mission of Santa Catalina, which is the northernmost of all those of *Lower California*. It has scarcely any inhabitants, and it is six days travel from the port and mission of San Diego, upon the Pacific Ocean". In his map this mission of Santa Catalina—which is among the places actually visited by the author—is placed north of the 32° parallel, at a point about intermediate between it and that of the mouth of the Gila. Again immediately after the above words he says. "The line of separating between

old and new California begins nearly at the mouth of the Rio Colorado. The Peninsula forming *Old or Lower* California is bounded on the North by Upper or New California, on the south and west by the Pacific ocean, and on the East by the Vermilion Sea". This, it is to be noted, is, from the very nature of the words employed, nothing but a *general* description of the line of separation. "Nearly at the mouth", may mean above or it may mean below, the mouth. To know which of the two is meant we must look to the context (and particularly to the special facts therein) and to the maps connected therewith. Now one fact of the kind, we have just seen: the Mission of Santa Catalina is stated by him to be within *Lower* California, and is placed on the map as being some distance above the mouth of the river and above the 32d. parallel. We here see that the boundary of Lower California on the East is stated to be the Vermilion Sea. Let us, then, see whether Upper California is stated by him to have this same Gulf form a part of its Eastern boundary. ["] It is bounded on the North by the Oregon territory on the South by Old California on the East by the *Rocky Mountains*, on the West by the Pacific Ocean" (v 1 p. 316). No mention here of the Gulf of California.

This much, in regard to the *beginning* of this division line. It remains to ascertain where it runs and how it terminates. Thus far we have seen that the delineation of boundary which I am required to insert in the treaty assumes as an ascertained and settled fact, that this division line begins on the Gulf shore some distance above its head, this fact is denied and we have seen a part of the evidence which may be adduced in support of this denial. The delineation assumes also, as a part of the same ascertained and settled fact, that the line so commencing is a "due west" line running North of the parallel of 32° and South of San Miguel. In regard to *San Miguel*, I have stated the probability that the true position of this place is such, that no line running North of the 32d. parallel can run South of San Miguel. In regard to the lines "running north of the parallel of 32°", we have seen a part of the evidence on which rests the probability that no line beginning on the gulf shore can run otherwise than South of this parallel.

As modified by striking out the words "*North of the parallel of 32° and*" the delineation of boundary from the mouth of the Gila, would stand thus; "thence down the middle of the Colorado and the middle of the Gulf of California, to a

point directly opposite the division line between Upper and Lower California; thence due West along the said line which runs south of San Miguel to the Pacific Ocean".

Now, in regard to this last point also the correctness of the implication is denied on the part of Mexico. She avers, that independently of all the other objections to this delineation "the division line between Upper and Lower California" does not and never did run south of San Miguel.

How then, does this line run on its way from the Colorado to the Pacific and where does it strike that ocean? In the first place it appears that no *line* of division was ever established between the two Californias, either by describing it, or by tracing it upon the map. That is to say no such *line* was ever authoritatively established by any act of the government either in old times or in the more recent. The Mexican commissioners have diligently searched into this subject, and their researches have been fruitless. The authorities however do not vary as to the fact that Lower California consists of the Peninsula the whole Peninsula including a passage by land from Sonora, across the Colorado, this river, as appears from old narratives being crossed by *fording*.

The oldest authority on the subject is the posthumous work of Clavigero, published at Venice in 1789, under the title of "History of California". There was then but *one* California which one afterwards upon the establishment of Missions and posts in the then unexplored region to the North, came to be distinguished as the *old*. In the map attached to this work, the port of San Diego is included. The description runs, California is a vast peninsula of North America which... "and the port of *San Diego* situated at 33° Latitude and 256 Longitude may be called its Western limit. On the north west and north it is bounded by countries of entirely barbarian nation..." "The posts most known on this coast (the western) are those of El Marques or Santiago La Magdalena" ... and "*San Diego*".

The result of the investigation (a very hasty one) which I have been enabled to make of this subject is to satisfy me that the probability is very strong that no *line* of division no definite limits between the two Californias has ever been established, and also to furnish me with a satisfactory explanation of the origin of the impression which has come to prevail as to where old California ends and New California begins: which explanation serves to show how far that impression is definite and rests upon precise grounds, and how far it is in its nature vague; and likewise to show how Geo-

graphers and map makers have been led into the error of proceeding upon the assumption that such a line has been established and into the error also of laying it down in a manner that disregards a *portion* of the facts—of the contestable facts—relating to the subject.

The “map of California” (that is of *old* California) attached to Clavigero’s work by the editor it [is?] stated by him to have for its basis, those comprised in a work under the title of “notices of California”, published at Madrid in 1757. This map as above stated includes the port of San Diego and it includes also the mission of San Giacomo Gualberto, situated inland, a little north of the parallel of that port about two thirds of the way across from the Pacific to the Colorado, and about midway from the mouth of that river to where the Gila empties into it.

The port of San Diego, however came afterwards to be considered as the place where *new* California begins, and as included in it: and this was owing to the following circumstances. The expulsion of the Jesuits from Mexico took place in June 1767, and from California—(which has been settled by their zeal and perseverance, and where in the course of 70 years, they had established 14 flourishing missions)—early in the following year, their missions being left in the charge of soldiers, until they could be taken possession of by priest of the Franciscan order who were to replace the Jesuits.

These details form the necessary introduction to the circumstance referred to, which was this; simultaneously almost with the expulsion of the Jesuits from California that is early in 1768, the Court of Spain apprehensive of the founding of settlements in that quarter by other European powers dispatched orders to the viceroy of Mexico to establish missions and military posts at the posts of San Diego and Monterrey; which order as regards the former was carried into effect the following year 1769: the mission being established by Franciscans who had succeeded to the Jesuits in the exclusive control of that region. Two years afterwards “The Dominicans of Mexico obtained a royal order, requiring the Franciscans to surrender to the former the administration of one or two missions. The Father Director of the College of San Fernando caused to be observed with reason, that the Province of Lower California could not be divided, that its natural limits were perfectly traced, that serious inconvenience might result from two orders being established, in competition with each other, upon the same territory. He concluded by offering to the Dominicans in case they should

see fit to take charge of the entire Province from Cape San Lucas" (the southern point of the Peninsula) "up to the port of San Diego, *exclusively*, to cede to them together with all the missions previously administered by the Jesuits that of San Fernando de Vellicata, and the five others yet to be founded. The viceroy assembled the council and on the 30th of April 1772 he rendered a decree to carry into execution the agreement between the two prelates. It was however not until the 1st of May of the following year that the Dominicans entered into definite possession of Lower California and that the Franciscans withdrew into the New, where, being enabled to concentrate all their efforts upon a territory less vast and more fertile, they soon obtained results worthy of admiration".

This is the account given of the matter by de Mofras, (vol. I. p. 260) and it shows how the port of San Diego came to be excluded from old California. The statement bears upon its face a derivation from authentic sources, so far as regards the position whereby the Franciscans, on the pretext of the inconvenience of having two orders within the same province and of "*natural limits*" which excluded the port of San Diego from old California, contrived to retain for themselves the terrestrial paradise which they knew commenced at that point whilst the burthen of maintaining the old missions situated in the arid desert which the Jesuits had toiled in, was shifted to the shoulders of the Dominicans. With respect to the origin of this partition however, Clavigero, who was a contemporary gives an account which differs from the above and brings into bold relief the motive of the Franciscan father for finding the "*natural limit*" of the Peninsula just *south* instead of just *north* of San Diego. Clavigero citing letters Mexico says; "no sooner had the New missionaries, (the Franciscans) seen with their own eyes that California was not what they had believed it to be, than they abandoned the missions and the Peninsula and returned to their convents" (in Mexico) "publishing everywhere that the country was uninhabitable and that the Jesuits ought to be very grateful to the king for having extricated them from that great misery. Some priests and friars afterwards went there, but they not being able to subsist in that country, Dominicans were sent to it from Spain".

Agreeably therefore to this "agreement between the two prelates", (which constitutes so far as I can discover the

only existing basis for *any* demarcation between Upper and Lower California) the older of the two provinces extended up to *some* point on the Pacific which excluded the port of San Diego from its limits. The next question is how does the line run from that point across to the Colorado.

There is no probability whatever that any such line was ever run or determined in any way. The only basis for running it now would consist in ascertaining the extent of territory comprehended within the two northernmost, (one on the Pacific, the other inland) of those "five other" missions "yet to be established", which became founded by the Dominicans under the compact between them and the Franciscans. I say the extent of territory comprehended within those missions because the "missions" consisted of the establishment of a nucleus and the territory attached thereto; which territory was sometimes very extensive. "The missions" collectively are always spoken of as constituting the *entire* province, the sum total of the population of the entire province is always made up by adding together the numbers of inhabitants of the respective missions. The probability is that the two missions in question were those of San Miguel (on the Pacific) and Santa Catalina, whose position inland has been described above. Both are mentioned by de Mofras as being within Lower California, they are also included in his table of the missions of that province.

In regard to the precise geographical position of San Miguel, (considering this with reference to the possibility of a line running north of the 32d. parallel, being south of that spot) we have seen that de Mofras mentions this mission (that is to say the establishment or nucleus) as being upon that parallel. Humboldt, in his enumeration of the missions of New California, "proceeding from South to North" gives San Diego as the first and states it to be 15 leagues distant from the Northernmost mission of old California." The probability is great, that the northernmost mission here referred to is San Miguel. Now taking the latitude of San Diego to be 32° 44' 59" (thus stated in the Secy of State's despatch to me of July 19 1847 as having been accurately ascertained by major Emory) "fifteen leagues" measured from that point would put San Miguel just one second south of the 32d. parallel. (It may be a necessary caution here to remark, that Humboldt mentions a mission of the same name—"San Miguel",—as being among those of New California. But that mission is far to the north of San Diego being the 10th in order commencing with the latter)

This suffices to show 1st; that without reference to anything else than geographical facts it would be to say the least, unsafe to describe an international boundary as running South of San Miguel and north of the 32d. parallel—2dly. That, as a question between old and New California it is certain that the mission of San Miguel (whatever the precise latitude of its nucleus may be, that is the convent and dependent establishments) belongs to the old and cannot be considered as comprehended within any claim to the New. 3dly. That whether the convent be situated north or south the *Territory* comprehended within that Mission (and consequently forming part of old California) cannot but extend “up to” the very near neighborhood of “the port of San Diego”, while it is not at all impossible that it may extend “up to” the very shore of that Bay.

Humboldt, it is true, commences his Chapter upon New California as follows: (I translate from a Spanish translation.) “In the Spanish Maps, the name of *New California* is given to the whole coast of the great ocean, extending from the isthmus of Old California, or from the Bay of *all Saints* (to the South of the Port of San Diego) up to cape Mendocino”. This on the face of it is a mere *general* description. The reference to the “Spanish maps” evinces an uncertainty in regard to the existence of other grounds, upon which to found a more precise statement of the point of beginning. The expression “from the Isthmus” “or from the Bay” prove either that he had found those maps to disagree, or that they all left it uncertain, as to the precise point on the coast, where old California was to be considered as ending and the new as beginning. This question he found decided by those maps with sufficient accuracy, for the purpose, the *general* historical and geographical purpose, which he had in view. In examining it and giving the result of that examination he was not acting as an international *arbitrator* upon this question; he was not dealing with it as a point upon which hinged the continuance or discontinuance of a war between two nations, the one of said nations demanding as a condition to the restoration of peace, to retain the whole of *Upper* California, but asking no part of *lower*, and the point to be decided being therefore—where does the Territory terminate which is embraced in that demand? The general and vague statement here made by Humboldt had reference to no such question as this; and the fact that it had not, is a consideration not to be lost sight of,

in forming a judgment as to the weight due to his dictum upon this point.

The result to which I have been brought is to propose that a division line between the two Californias shall be now established as running from the mouth of the Gila to a point on the Pacific one league due South of the Southernmost extremity of the port of San Diego.

Manning, *op. cit.*, Vol. VIII, p. 1044-1049, nota.

340

12 de enero de 1848. México. N. Trist a J. Buchanan.

Sir:

In my last Despatch, under date the 29th ultimo (which, after being delivered for transmission by an express from Head Quarters, carrying orders to Vera Cruz and intermediate posts, was withdrawn by me, through apprehension of the insecurity of the conveyance; and which, consequently will go by the same opportunity as this) I stated, that, "according to every probability, a treaty will be signed in the course of a week from his time". This probability has not yet been fulfilled; but the causes to which my disappointment is owing are not, by any means, of a nature to weaken my confidence as to the result. Tomorrow, I am to have a meeting with the Mexican Commissioners, at which, every thing will, I believe, be agreed upon between us: and, allowing a day for making out the papers to be transmitted to Queretaro, and five or six for the return of the courier, from the time of his departure hence, the signing of the Treaty will probably take place towards the close of next week.

The Boundary (which has been agreed upon, subject to the approval of the Executive at Queretaro) will be the one defined in the Project which I brought out, with a slight variation at its western extremity. The reasons which have governed me in this, as well as in not insisting (as I had at first determined to do) upon the parallel of 32°, from the Rio Bravo, will be fully explained hereafter: time not permitting me to do so now.

Under these circumstances, Government will judge of the expediency of despatching provisional instructions to the commanders of our forces. The position in which the General-in-Chief is placed by the communications received by him is any thing but favorable to the establishment of peace. Agreeably to the Project brought out by me, "a suspension of hostilities" could take place, only after the *ratification* of the Treaty by the Mexican Government. So that after a Treaty of Peace, should actually have been signed, signed *here*, on the very battle field, and not by negotiators two or three thousand miles of—human blood, "the precious blood of our fellow citizens", as it is, if I recollect right, called in the President's message, *must have continued to flow*, or General Scott must have *taken* the responsibility of suspending hostilities *before* the ratification of the treaty: of suspending them *de facto*, on our side only, thus placing our troops at serious disadvantage, or of entering into a compact with the enemy, (if it be not a contradiction in terms to use this word, after a treaty of *Peace* has been actually signed) making the suspension mutual. In this position was the commander of our forces placed. There was no retreat for him from this alternative. Even if it had required but a day, to obtain the ratification of the Treaty; or if the Mexican Congress had not been in session, and it was positively certain that they would meet in a week, or a fortnight, or a month, and they would then ratify: under these circumstances, or under any *possible* circumstances, *Bloodshed must go on*, for that day, or that week, or that fortnight, or that month; or General Scott must take upon himself to disregard his orders to push the war vigorously and to disregard also the order conveyed in the project, that this vigorous prosecution of the War was *not* to be *suspended* until the Treaty should be actually *ratified*.

Whether our country, and the whole civilized world, would or would not have burst forth with one universal cry of horror at such a spectacle as a compliance with those orders would have afforded; and whether one universal sentence would or would not have been pronounced upon it, as a wanton sporting with the lives of men, I will leave to others to decide.

Such is the position in which the General-in-chief was placed then and the same is his position now. With this aggravation: that he knows my remaining here to be in violation of instructions; and he has himself received fresh instructions, acquainting him with the will of the President

that the war be pushed, not only with renewed vigor, but with rigor. Any propositions for peace which may be made by the Mexican Government are to be *transmitted by him to Washington*. But, meanwhile, no matter what the nature of those propositions may be; no matter what his convictions and the convictions of every one here may be; no discretion whatever is given him, as to the influence they shall exercise upon his course. The law laid down to him, as the only rule for his government is, *to push the war vigorously and rigorously*. And this law, he must abide by, and fulfill to the utmost, or he must *disobey orders*.

Even if the suspension of hostilities, *after a Treaty of Peace* shall be signed, *until* the will of our Government can be made known, were made the condition upon which a Treaty would be signed: even in this case, he must say no! and go on shedding blood, "the precious blood of our fellow citizens", or he must *disobey orders*.

This case has to a certain extent, actually happened. The Mexican Commissioners endeavored, at the outset, and as a preliminary condition to their entering upon the negotiation, to obtain a promise that such suspension of hostilities should take place, *upon the signing of the treaty*; and—independently of the general and obvious reasons, supplied by the common sentiment of humanity, against war going on after a treaty of peace has been signed, in the very midst of the forces engaged in it,—they gave special reasons, reasons of policy, connected with the position of the Government, as being the Government of the Peace party, for wishing that this Government may not be placed in the alternative of resisting the further advance of our troops, or affording grounds for the changes which a contrary course would justify, even to the extent of that of reasonable connivance. But, all I could say in reply was, "General Scott is totally without discretion on the subject. His instruction are, to push the war with all possible vigor, and to occupy the country as speedily as his means permit. He cannot enter into any agreement of the sort,—not even if we sign the treaty—without disobeying orders. But, let us get it ready for signature; and then, I will lay it before him, stating that its being signed depends upon his engaging to suspend further movements, until he can receive instructions from Washington".

I am [etc.].

Manning, *op. cit.*, Vol. VIII, p. 1032-1034.

22 de enero de 1848. México. Memorandum sobre reclamaciones.

The Article on this subject (Art. VI) as it stands in the original project from Washington was objected to by the Mexican Commissioners, (as respects the non-liquidated claims) on the ground of the questions and discussions for which it affords room in consequence of the *assumption* and the *discharge* being blended together, and the former being limited in point of *amount* and otherwise qualified; thereby affording ground for the objection, when the treaty shall come under discussion, that, in the very nature of things, the discharge could not but be limited and qualified in the same way. To my answer that the article closes with a complete discharge "from *all* liability for *any* of the said claims *whether* the same shall be rejected or allowed by the said board of Commissioners"; and consequently, whatever the amount of those allowed might be, and even whatever the amount of those *presented* might be although they should be rejected on no other ground than they were "not embraced by the principles and rules" prescribed to the Board of Commissioners, they replied, that all this, however true it might be, was matter of inference, and left room for argument and discussion on the part of those disposed to find fault with the treaty; and they insisted upon the indispensableness, that its stipulations on this subject should be so clear, and definite and precise, as preclude all possibility of doubt or of argument.

They proposed that there should be *no* limitation of the amount as to this class of claims, either in connection with the discharge or with the assumption. I, at once, told them that in regard to the latter, the amount must be limited. This was a *sine qua non*. "Why?" They could not see any reason for this, and it seemed to them to involve a contradiction, that Mexico should receive an unqualified discharge from a class of claims, the amount of which could not be precisely known at the time the discharge was given; and yet, that the amount assumed by our government should be a limited one. Suppose that the amount of the claims allowed by our Board of Commissioners as just, should exceed that limit: What would the United States do then?

I answered that, in the first place, the limit which had

UNAM - IHH

its elements is a strong and decided aversion to Monarchy, been fixed was founded on data, sufficient for a near approximation to the highest sum which, in all probability, could be necessary for paying the just claims; and that, in the next place, if that sum should prove insufficient, the discharge given to Mexico would present a case for the justice and equity of our Congress, in respect to which there was no danger of its being disregarded. Because the obligation to pay *now* contracted was limited to a certain amount, it did not at all follow, that, if justice should require the payment of a larger amount, provision would not hereafter be made for paying the excess. But, that this obligation should, in respect to the amount to be paid, be limited in the treaty, was a *sine qua non*, which it was a waste of time to talk of my departing from; because our Senate could not be called upon to vote upon a treaty containing a stipulation of this kind, without their being informed what was the extent of the obligation so incurred; without their knowing that it had a limit, and what this limit was. This limit might, it is true, be ascertained, without its being inserted in the treaty. This was not, in the nature of things, impossible; but it was so, in a practical sense, when considered with reference to the action of the Senate upon a treaty. Viewed under this aspect, the only way of treating such a question was, to cut it short by fixing a limit to the sum which the Senate should, *then* and by that vote, consent to place the nation under the obligation to pay. Nor did such restriction of this obligation weaken the force of any other or further obligation which might be involved or implied in the discharge given to Mexico, any more than it weakened the force of any stipulation contained in the treaty: its sole effect was, to leave that other or further obligation, whatever it might be, to be judged of and dealt with, by itself. It was perfectly evident too that it could not possibly have any such effect as that of qualifying in any manner the discharge given to Mexico by the sentence with which the Article closes, as it stands in the project.

Although I was thus positive in regard to specifying a limit, in connection with that part of the agreement which binds us "to assume and pay", I was fully sensible of the indispensableness that the wording of the treaty on this whole subject of claims (for it is the one above all others on which the Mexican mind is most sore and suspicious) should be such as to preclude the possibility of discussion and of doubts, real or pretended. I was aware, too, that

the Article, as if it stands in the Project, is not well adapted to this object; that, however easy it may be to an English reader to ascertain its import, with reference to any question that may be started in regard to the nature or extent of the obligation expressed by it, its form and texture, beginning with an assumption of the class of claims there specified, connected with a limitation of the amount, and then the qualification that they "shall be found justly due", and then the "proviso"; and the discharge following after all this, —are not at all favorable to its import being satisfactorily seized by a Spanish mind; habituated as those minds are, and necessarily become from the very nature of their beautiful and noble language, to the most lucid, precise and logical modes of statement and expression on all subjects. In a word, the article, when translated, although accurately translated, presented a maze, which perplexed and racked the brains, even of the Commissioners (men of very clear heads and great ability) in the attempt to follow it out.

It was indispensable therefore, to take the Article to pieces, in order that its substance might be incorporated in separate and perfectly distinct stipulations. The final result of this labor on my part (which, as regards mere form, was adapted to the wishes of the Mexican Commissioners) will be seen in Articles 13, 14, and 15: the substance of which differs from that of the Project, in the two following particulars, and in these only: 1st. in substituting as regards the non-liquidated claims, the words "which may have arisen previously to the date of the signature of his treaty", for which may have arisen previous to the 13th of May 1846". 2d. In extending the limit, with respect to those claims, to "three and one quarter millions", instead of "three millions".

The discharge given to Mexico is contained in the XIV Article. This, with the exception only of the extension of the period just specified, is in substance identical with the discharge expressed in the Project. Upon carefully examining the latter, in order that this identity might be preserved —absolutely in point of substance, and as closely as possible in point of phraseology—I thus arrived at the substance of the discharge.

The article, as it stands in the Project, concludes as follows "And the United States do hereby forever discharge the United Mexican States from all liability for any of the said claims, whether the same shall be rejected or allowed by the said Board of Commissioners".

What is the meaning here of 'the said claims'? The answer to this question is found in that portion of the preceding passage, which is underscored in the following quotation of the entire passage:

"And the United States also agree to assume and pay, to an amount not exceeding three millions of dollars, *all claims of citizens of the United States, and heretofore decided against the government of the United Mexican States, which may have arisen previous to the thirteenth of May 1846*, and shall be found to be justly due by a Board of Commissioners to be established by the Government of the United States, whose awards shall be final and conclusive: *provided*, that in deciding upon the validity of these claims, 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 20th day of November A. D. 1843; and in no case shall an award be made in favor of any claim not embraced by these principles and rules".

Whatever might be the perplexity occasioned by this passage to a Spanish mind, and whatever might be the pretexts afforded by it for discussion in the Mexican Congress, its meaning is perfectly clear to any English reader. Taken in connection with the *discharge*, as expressed in the sentence "And the United States do forever discharge" and, which immediately follows, it is certain, that this discharge embraces "*all claims of Citizens of the United States, not heretofore decided against the Government of the United Mexican States which may have arisen previous to the thirteenth of May 1846*", and that it is, in no manner whatever, affected by the limitation "not exceeding three millions of dollars", nor by the qualification "and shall be found justly due" and c. That this limitation and qualification apply solely to the obligation to *pay*, and cannot by any possibility be understood as attaching to the discharge, is proved conclusively by the fact, that the discharge, although restricted to "the said claims", goes on to say "whether the same shall be rejected or allowed by the said Board of Commissioners". Not only does this addition exclude the possibility of any such interpretation of the Article as would attach the limitation and qualification in question to the discharge, but it does more: it makes the discharge still more comprehensive than it would necessarily be from that mere exclusion. It makes it extend beyond the class of claims "embraced by the principles and rules" referred to. For, the

Board being, as it is, bound not to give "an award in favor of any claim not embraced by these principles and rules". It follows, that the want of this requisite alone must constitute the ground for the rejection of all claims which, being brought before the Board, shall be found wanting therein. Consequently, if any such claims shall chance to be presented, they must be "rejected", and must therefore take their place among those, from all liability for which the Mexican Government is forever discharged.

Having thus satisfied myself as to what constitutes the substance of the discharge given to Mexico by the Article as it stands in the project; and that, without its being in any manner affected, by itself, of a stipulation distinct from all others, I adopted this course, and made it constitute the XIVth. Article.

For such separation of the discharge stipulation from the one which assumes to pay, the Florida treaty affords a precedent. It affords one likewise for making the *date of the signature of the treaty*, the limit of the period, with reference to which the discharge is given. Upon this point the Florida treaty says, "reciprocally renounce all claims for damages or injuries which they themselves, as well as their respective citizens and subjects, may have *suffered until the time of signing this Treaty*". In the specification which follows, it says "all claims of Citizens of the United States upon the Spanish Government, *statements of which*, soliciting the interposition of the Government of the United States, have been presented to the Department of state, or to the Minister of the United States in Spain, since the date of the Convention of 1802, and *until the signature of this Treaty*". The Treaty being made at Washington, the discharge did therefore embrace, either in fact or by possibility, claims, of which the Government of the United States could possess no knowledge at the time of giving the discharge. The present treaty, retaining the phraseology of the Project and changing only the period of time, reads "which may have *arisen* previously to the date of the signature of this treaty" and c.

In this deviation from the project, I have not however been governed or influenced by the precedent. My motive was, the strong considerations, both of justice and of expediency, by which it was recommended; and under the influence of which, I had made up my mind to *offer* it, before a word had passed between the Mexican Commissions and myself. When we came to this subject they pro-

posed to fix *the date of the exchange of ratifications*, as the limit to the period in question. They urged this strongly, and they gave what I believe to be good and substantial reasons for so doing, which reasons may be summed up in the single fact, stated to me by Señor Couto, who has filled the post of Minister of Justice, and who, as was remarked to me by a foreigner residing here, and one whose judgment on such a point. I consider as much entitled to reliance as that of any person known to me is really and truly "a character *without a blemish*". This character without a blemish, the purity of whose life, *in all respects*, would so far as my belief goes, advantageously compare with that of any man living, in any country said to me; "It is impossible for any one who has not occupied the post which I have held, to conceive to what extent we are harrassed by the most unjust and unfounded complaints on the part of foreigners of all nations. They are constantly quarrelling and going to law among themselves (the French especially), and every such quarrel, no matter how perfectly clear the legality and justice of the decision may be, becomes the occasion for a complaint against the authorities, and for a *claims for indemnity*. And the same is the case with respect to almost every judicial proceeding, in which a foreigner is involved. Let its legality and justice and equity be ever so manifest; still, the complaint and claim for indemnity is sure to come up". Upon this point, however, I was governed by the precedent, and I fixed myself upon it, as one beyond which, I would not go. Not, that I believed that the extent of the obligation on our part would, as to its practical consequences, be varied a hairsbreadth by adopting the limit proposed by them, in place of the time of signing the treaty; for I considered as scarcely within the bounds of possibility, that, under existing circumstances, a single just claim should arise between the signing of the treaty and its ratification. But, as there was already a precedent for the one period, and not for the other, I was resolved to adhere to the precedent; simply and solely for the sake of avoiding all unnecessary multiplication of the question to which the treaty would give arise when it should come under examination.

The considerations to which I have adverted as those which determined me to make the offer, I will now succinctly state. There is no point at which the Treaty could be more effectually fortified, and none at which it was more

important that it should be secured against objection, and made acceptable to the Mexican people, than the one here under contemplation. The subject of claims being, as I have already said, the one upon which they are most sore and suspicious, and in regard to which any security afforded them would be most effectual in producing general satisfaction. On this subject their feelings are those of a covey of partridges with reference to the hawks that visit the region where they inhabit. I do not here enter into the causes of this feeling nor into the enquiry whether just grounds for it have, or have not been afforded. I merely state the fact that it exists; and to this fact every impartial foreigner who has been among them will bear witness.

With respect to the period intervening between the date fixed in the Projet (the commencement of hostilities) and the signing of the Treaty, I had no doubt that claims *to a very great amount* would be brought, founded on alleged infractions of the 26th. Article of the Treaty of 1831; whilst, on the other hand, I had as little doubt, that the amount of *just* claims of this description would be very inconsiderable indeed. My mind is not, by any means, satisfied that there is a single one, which our Country would be under any equitable obligation to exact indemnity for; even if she could do so, at far less cost to herself than the prolongation of the war by a single day or a single hour. I doubt indeed whether there be a single case of the kind, whatever be the losses which the party may allege, or may in truth, have incurred, which an impartial tribunal, untrammelled by any rule save the obligation to obey the dictates of an enlightened equity, would make the ground for a decree of indemnity, at the expense of the Community where those bases occurred, or of any one except those by whose acts they were brought about.

So far as the Article referred to concerns *merchants*, an equitable claim upon the people of the United States, either to exact or to pay an indemnity for losses incurred by individuals of that class, in consequence of a violation of the stipulation which the Article contains in their favor, even supposing this violation to be clearly proved, and to be clearly proved to have *not been* (as, under such circumstances, it must, *prima facie* be presumed to have been) an inevitable consequence of the state of war; such equitable claim, even with these things all in its favor, manifestly requires moreover, *that the party shall have shown due diligence* in using the time which that stipulation allows,

UNAM - IHH

for extricating himself from the consequences naturally incident to a residence upon the theatre of hostilities; among which consequences is the constant risk of that *vis major* which overrules all law, and which might, at any moment, even although that time had not expired, render his removal a measure of permanent military necessity, absolutely indispensable to the defence and safety of the Country. No such title certainly could be pleaded—there would not be the slightest pretext for the claim—on behalf of one who had allowed the *whole time* to expire. Nor could it be pleaded on behalf of one who had allowed *any part* of that time to pass, without giving proof of an *animus* altogether the reverse of that of continuing where he was.

The same considerations apply, in a great measure, and in some respects yet more forcibly, to persons *other than merchants*, who, finding it to their account to do so, had seen fit to continue in the enemy's country. The stipulation made in favor of such persons could never be construed into an obligation on part of the Country, which, for their own profit and advantage, they had abandoned, in order to establish themselves in another, either to indemnify them at the expense of those of her Citizens who had been content to remain home, for any losses they might have sustained, as a consequence of the election they had so made, or to prolong the war indefinitely, until the enemy should consent to take the burthen of such indemnity upon himself; or, which practically amounts to the same thing should agree to remain subject to a *claim* for that indemnity, after peace should have been made. Nothing but a case of the very clearest and strongest kind that can be conceived—a case of deliberate wrong altogether unprovoked, altogether uncalled for by the exigencies of war, altogether unconnected with its casualties—could warrant any such expectation, on the part of any person, who, having seen fit to seek in a foreign country, a more advantageous field for carrying on his trade, than the one afforded by his native land, had found it for his advantage to remain, there after the two nations had become involved in war. And even in a case of this kind, the question would still be between *justice*, naked justice and nothing more, to the millions who had remained at home, and *favour*, gratuitous favor, to the few who had elected to go abroad and settle there, in order to be better off than those who remained at home.

I am old enough to recollect that during our last war with England, many British subjects, merchants and others

were required to leave New Orleans, and I think other places on the sea board, for the interior of our Country. I find in our treaty of 1794, with that nation, (Article 26) stipulations similar to those contained in our Treaty with Mexico, and still stronger: for they not only secure to "merchants and others" "the privilege of remaining and continuing their trade so long as they behave peaceably, and commit no offence against the laws"; but they require that, even "in case their conduct should render them suspected, and the respective governments should think proper to order them to remove, the term of twelve months from the publication of the order shall be allowed them for that purpose" and c. In the treaty of Peace of 1814, nor in the subsequent conventions, I find no provision for indemnifying such British subjects for the losses sustained by them, in consequence of their repulsion from the places where they were carrying on their business, under the guaranty afforded by these stipulations.

Whilst examining the recent work of Monsieur de Moiras, in quest of geographical information respecting the line of division between the California, I came to the following passage: (vol. 2. p. 473) "We know only the decision of England as Arbitrator, which denies to the French, expelled after the capture of San Juan d'Ulloa, all manner of indemnity for the losses caused by that expulsion". Now, the expulsion here referred to was by a decree which operated throughout the Republic, upon all French subjects, *en masse*, without being founded upon special reasons in individual cases, either as to persons or places. A considerable number sailed from the country; and a far greater number had to break up their business, abandon their abodes, and depart with their families for the sea ports, before the operation of the decree was arrested. In this way, many hundred, in one body, left the City of Mexico. I have not been enabled to obtain a copy of the decision given by the British Government in this case, nor of the stipulation by which the question was submitted to arbitration. I am therefore uninformed as to its precise nature, and as to the principles upon which the decision rested. But, inasmuch as no Treaty existed between France and Mexico, the case cannot have been submitted as a case in equity, as one depending upon equitable principle, in their application to the relation which, agreeably to the received doctrine in regard thereto, exists between the foreign residents of a

Country and the Government of that country, when war exists between it and the one to which they belong.

But, whatever may be the principles which shall be deemed to afford the proper rule in regard to cases of this descriptions, and looking only to the *loss of property* actually incurred, my conviction is, that the amount cannot but be very inconsiderable, and that it could be made to appear otherwise only by fictions and by estimates of *consequential* losses, based upon the assumption, that the parties were entitled to be insured at the expense of our Country from the breaking up of their business and other ordinary incidents to war: incidents similar to those which commonly attend the state of war, even in places remote from the state of hostilities; and which would, in our own country, affect in a greater or less degree, the business of every one of her Citizens residing in or near a place captured, or besieged, or threatened, or blockaded by the enemy.

In view of the addition of the period of the war to the term for which the discharge from claims is given to Mexico, I have added one quarter of a million to the three millions of dollars, fixed by the Project, as the extent to which claims, *if found just*, shall be paid. I have made this addition, not that I believe that, the claims arising during the war, which shall be found just, will amount to anything, like this sum, or that the three millions will not prove more than sufficient to cover the whole because the offer of the three millions, with reference to those arising before the war, having already been made, and become publicly known, it seemed proper that the addition made to the discharge, should not appear, except accompanied by some increase of the sum. As it is only in the event of the claims being found justly due, that this increase takes effect, no necessity existed for limiting its amount to that of an estimate in regard to the sum total of these claims.

Manning, *op. cit.*, Vol. VIII, p. 1052-1056.

342

25 de enero de 1848. México. N. Trist a J. Buchanan.

Sir:

The Treaty agreed upon between myself and the Mex-

ican Plenipotentiaries will, according to every probability, be signed immediately upon the return of an express which has just been dispatched to Queretaro. Every arrangement has been made here and upon the road between this and Vera Cruz, and a confidential order has gone forward to General Twiggs at that place, for its instant departure hence and to ensure its rapid transmission to and from Vera Cruz. Although closely engaged in the preparation of the copies (Quintuplicate) for signature, I shall find some intervals of time for writing this by snatches.

The Mexican Commissioners hold their Full Powers, bearing date on the 30th of December 1837 [1847], from the President *ad interim* of the Republic, (General Anaya) constitutionally elected to that office, in November, by the "Sovereign Constituent Congress", after a severe and dubious struggle in that body between the Peace and the War parties, the character and objects of which have been explained in my despatches; although these afford but a faint idea of the difficulties with which the former had to struggle, and of the arduousness of the efforts in which they have been engaged, ever since the total dissolution of the Government, which followed the capture of this capital: at which juncture, as was explained by me at the time, they seized the first opportunity that had offered since a period antecedent to the war, for forming themselves into a party, that, until then, had had no existence; not for want of elements, but from the causes which prevented those elements from coalescing or exercising any influence over the posture of public affairs. These causes, also, I have explained.

The Full Powers were countersigned by Señor De la Peña y Peña, as Minister of Relations under General Anaya, whom he had preceded in the Chief Executive office, as *provisional*. Both of these modifications of the Presidency are recognised in the Constitution; and the Peace party, or Moderados, have, in all their proceeding thus far, (henceforward, no motive can exist for their acting otherwise, for they are in complete possession of the government) strictly conformed to the fundamental law. The only flaw which can be detected in those proceedings is one which it was impossible to avoid, and in which the spirit of the constitution was adhered to entirely, as its letter was, as closely as the nature of things rendered possible. It consists merely in this. By the Constitution, the office of President of the Republic devolves, under certain contingencies,

provisionally upon the President of the Supreme Court. Now, these contingencies had all occurred; but, there was no President of the Supreme Court in existence. Señor Peña was the eldest Justice of that bench, but no election had taken place, to supply the vacancy occasioned by the death of the last person who had been constitutionally elected as its President. This could be done by Congress alone, and Congress was not in session. There was a certain, too, that the only possibility of getting Congress together depended upon the previous formation of an Executive. It was under these circumstances, when the Republic was without a government of any sort, that the ablest and best men of the Moderado party, with a view to rescue their country from the anarchy which had begun, and then to make peace, prevailed upon Señor Peña to assume the *provisional* Presidency: after which, they succeeded in obtaining his recognition by the State authorities: as they have ever since, in upholding and defending the government so established, against the endless stratagems and incessant assaults of those who were intent upon its destruction: the immediate object of these machination (except on the part of the merely personal factions) being, to render peace impossible, through the non-existence of a government with which it could be made; and their ultimate object being, to force our country into an amalgamation with this.

When Congress met (which was brought about by the exertions of the *Moderados* against those of the *Puros*, or War-until annexation party) that body proceeded, conformably with the constitution, to elect a President *ad interim*, to serve until the 8th of January of the present year, the day previously fixed for the inauguration of the new President who should be regularly placed in office by the elections then going on, or soon to take place. This election *ad interim*, after the doubtful contest above referred to—in which the *Puros*, by straining every nerve, and making all sorts of combinations with the *Santanistas* and other personal factions, were very near succeeding in prostrating the peace-party by electing a man who would have played the war-perpetuation game—resulted in the election of General Anaya, who immediately appointed his predecessor in the Presidential office as Minister of Relations, and appointed General Mora y Villamil (“The avowed Apostle of Peace”) as Secretary of War, in a word, pursued the Peace policy commenced by those by whom the government had been built up.

This brief summary of what is contained on the subject in my previous despatches, shows the character of the Government, from which are derived the Full Powers of the Plenipotentiaries with whom the Treaty has been negotiated and will have been concluded. Its authority is perfectly and absolutely *constitutional*, in all respects: free even from the slight flaw above mentioned, as existing in that exercised by Señor Peña. And, not only is it constitutional, it is furthermore strictly *national*. The political principles and views entertained by the *Moderados* (that is, by the party, to whose efforts the existence of this government, or of any general government in this country at the present time, is due) do, most unquestionably, constitute the real, genuine political sentiments of this country: that is to say, of a vast majority of those who ever take any part whatever, or any interest whatever, in public affairs, or who ever bestow a thought upon them, or are capable of so doing. This sentiment consists in an honest and firm attachment to republican principles; and, independently of that attachment, in a steady conviction that the republican form of government is not only desirable in itself, but that even if it were not so, still, it is the only one practicable here. Another of both in itself and on account of its impracticability, even if it were desirable. *A third is a perfect devotion to their distinct nationality, and a most vehement aversion to its becoming merged in or blended with ours, no matter what the terms of their incorporation with us might be.* I have no doubt that this sentiment would be reversed, upon experience of the results with which such a change would be attended, *if it took place peaceably.* But, for the present, it is decided and overpowering.

As for the *Puros*, although they number among them some men of philosophic temper, enlarged views and genuine patriotism, the party consists chiefly of persons of a very different stamp, in all respects: persons who have every thing to gain and nothing to lose by political change and commotion; and who, whenever they have enjoyed the opportunity, have given very substantial proofs that they are actuated by motives quite the reverse of a devotion to the public weal.

Besides these, the portion of the inhabitants to whom our permanence here would be agreeable, whether under the name of conquest, or occupation, or annexation, are *foreigners*: persons who, with very few exceptions, have no sym-

pathies of any kind with *the country*, (that is to say, with those who love it as their native land, as the birth place and the country, by every rightful title of their mothers and fathers, of their children and grandchildren) or with any thing whatever—*here*, at least—save their own individual gains and pecuniary interests. To this class belong some “American citizens”, so called, native and naturalized, who, having proved their love for the land of their birth or adoption, and their devotion to liberty, by abandoning her and the security which she affords, to come and establish themselves in a land of anarchy and military despotism—in a word, a land where all the evils are rife, which can possibly arise from misrule, in every shape that unbounded political profligacy can give to it,—deem it nothing but fair that the Country thus abandoned by them should, at the expense of those of her children who are content to live at home, ensure their foreign gains, and secure to their persons and their property an exemption from the natural, the inevitable, and—to those who elect to live in such a Country, above all, when born, or admitted to the right of living in one like ours—the *proper* consequences of dwelling in such an abode. These persons—who, a few months ago, were exceedingly shocked at the imbecility evinced by the Armistice, and highly indignant at the sacrifice of their Country’s glory involved in that measure,—are now, still more ardent advocates of the permanent occupation of the whole Mexican Republic, than they then were of the instant occupation of its capital. A few hundred millions of taxes upon their beloved countrymen at home, and a few decades of their lives, sacrificed in the prosecution of the war, would, in the estimation of these patriots, be a very cheap mode of purchasing for them the pecuniary advantages with which such a proceeding would be attended, and the comfort of living under “the Star spangled banner”, in the land of the Montezumas.

Exercising the right of opinion, which belongs to every American Citizen upon question concerning the welfare and the character of our Country, and involving the prevalence of Right over Wrong, so far as the struggle constantly going on between them can be influenced by Her, I became years ago deeply impressed with the necessity, that she should clearly and distinctly define her position in regard to this class of persons, and this whole subject. I have made some endeavors to bring this about, and I shall make more. Her

character loudly calls for it: her character for simple naked justice, and nothing beyond it towards those who are weaker than herself. This is certain. It is a plain truth; and is one *not hid under a bushel*. It is known to, and widely talked of by, hundreds, doubtless thousands, of perfectly disinterested and impartial foreigners, who have witnessed the cases in which this necessity has proved itself; men no less impartial than were the New England ship masters, who—chancing to be at Nootka, towards the close of the last century, when the events occurred, out of which the adventurer, Meares, (a British half pay officer, engaged in smuggling voyages, in the pay of Portugese capitalists) concocted his story of wrongs, and losses and damages, afterwards—bore testimony to the truth which they knew, and to the falsehood of his tale; although that falsehood did not prevent it from enriching its inventor with a huge international robbery, under the name of “indemnity”, exacted for losses which he had never sustained; after it had proved the occasion of wasting, in preparations for war, three millions sterling of the honest fruits of the industry of Meares’ fellow subjects, who had been content to live at home, toiling for their bread; and after it had brought England and Spain to the verge of a conflict, that would have deluged Europe and America with blood, beggared and orphaned thousands of innocent families, and introduced corruption and debasement into tens of thousands of hearts that might otherwise have remained honest and pure.

As an American Citizen, one who loves his Country, loves her fair fame, loves the justice which he knows to be at her heart, I have long known, and felt, what is known to the world; that it is high time her attention should be given to the subject; high time that all the rules and safeguards which its nature demands should be established, for herself, and by herself. Not by adopting the vague practice of the irresponsible rulers of other Countries, but in the same way that she has established a Government for herself; by appealing to the principles which she cherishes, and which alone she recognizes as possessing authority over Her, or over the relation between Her and her citizens.

Among the questions involved in this deeply important topic, which it behooves her so to decide for herself, the first is, to what extent, even supposing no practical difficulties to be in the way, she can, compatibly with her principles, compatibly with the rule of right which she would insist

UNAM - IHH

upon the observance of towards herself, by any nation, however great and imposing its power might be, and compatibly with justice to those of her Citizens who are satisfied with the advantages secured to them at home; how far she can, consistently with all these obligations, undertake to follow into whatever foreign country he shall see fit to settle in, every adventurer who may chance to have been born within her limits, or who may have obtained the character of an American citizen; and there to supervise the administration of the law, scrutinize into the legality and the equity of the decisions of the tribunals, and require of the authorities generally, in all proceedings where such individuals are concerned, a conformity with the standard by which justice would have been meted out them in our Country, had it not been their choice to live in another. And, this first point having been settled, the next thing to be considered by our Country would be, the practical difficulties attendant upon such a supervision, and inseparable from it, however limited may be the extent to which it is carried; of which difficulties the greatest and most fearful is, the danger of injustice towards nations weaker than herself, through imposture practised upon her; imposture which has for its object, to make her power, and the dread in which it is held, subservient to schemes of extortion, more base and flagitious in themselves, and in their consequences more injurious to the great principles which hold society together, than aught that ever was perpetrated by banditti prowling upon the highway, against helpless travellers falling into their power.

For forming a proper estimate of this danger, our Country has abundant materials at home. In no land are the laws more humane, in none is the administration of the law more impartial. Corruption has never there approached the judgment seat. And yet, there is not a day in the year, when her Courts are open, that decisions are not rendered, which, not only disappoint the expectations of learned lawyers, but shock the popular sentiment of justice, and are considered by the whole neighborhood where they excite interest and awaken sympathy, as inflicting grievous wrong. Nor is this confined to private controversies, to decisions upon questions between man and man. It extends to the penal branch likewise; to questions between the Government and those who fall under the penalties of the law. Under one single chapter of our code of laws of the Federal government, instances enough of this could be collected, in any period of two or three years. I refer to the revenue laws. For cases

under this head, in which—particularly, if considered merely in themselves, apart from the absolute necessity of general rules, and from the inevitable imperfection of all human institutions—the consequences to the offender would strike the public mind as rigorous and severe, to a degree altogether incommensurate with the offence committed, it would not be necessary to go farther than the archives of the Department of State, or to look into more than a few bundles of the applications for pardons and remission. This is *American* law, enforced upon American citizens *at home*, by tribunals whose bias is ever in favor of the accused, whose judges are never so much as suspected of corruption, and whose system of procedure is perfection itself, compared with that of many other nations. And yet, with all these advantages, such cases do happen: cases which no one can read, and then doubt, that, if we had been a feeble nation, and if the parties had been foreigners, those identical cases would have been made the ground of as many grievous tales of persecution and ruin without cause: particularly if those foreigners could have hoped by such means, to become enriched by indemnities, exacted from government, and paid by the sweat of the brows of our Countrymen.

Commerce must, I know, be protected; and this protection must be extended over it, on the land as well as on the ocean. But there is no incompatibility between the efficient protection of commerce, honestly carried on, and the existence of safeguards which shall, to a great extent if not entirely, protect our Country from impostures, alike fatal to her character for honesty and justice among the nations, and dangerous to her peace. Nor does the protection of commerce, the protection of commerce in the true and honest sense of phrase, require, that persons going abroad to seek their fortunes, either as mechanics, or as doctors, or as dentists, or as clerks, or in no definite capacity whatever, and without being in any manner connected with American Commerce or American capital, should be permitted to usurp the title of American merchants, merely because, after settling in the foreign land of their choice, to pursue callings having no relation to commerce, they may have found it for their interest to engage in buying and selling, either as brokers or as traders, or in stockjobbing, or in speculation in any of its numberless forms. Such persons may amass wealth, real or fictitious. They may come to be reputed as rich men, either truly or falsely. But let their gains be what they may in amount, and let them be ever so

UNAM - IHH

real and substantial, and ever so honest as to the means by which they were acquired; still, they constitute no part of that capital, the protection of which property comes under the idea of protecting Commerce. Whatever be the measure of protection to which such gains may be equitably entitled, at the expense of the nation, and at the risk of involving the nation in controversies and in wars, just or unjust, the question as to that measure of protection is a totally different question from the one which relates to *Commerce*: that is to say, to the portion of the Capital of the nation, embarked in Commercial pursuits, and to those of our fellow citizens by means of whose agency it is so employed.

It is in the power of our Country to make herself the special object of esteem, confidence and love throughout our whole hemisphere; the Common centre of affection to all the peoples who inhabit it; their common standard for all that is good and great. For this, nothing is requisite but that she should, in her deportment towards them, be true to herself, true to what is really her character. But, to make this known, and to correct the erroneous impressions in regard to it which have substituted themselves for those which caused her to be looked up to by all the Republics of Spanish America at the time when they first took their place among nations, the safeguards to which I have adverted are indispensable. If they be not established, the title of American Citizen, instead of being, as it ought to be, and can easily be made to be, once more, a passport to confidence and favor every where on our Continent, will become more and more every day a sound of evil omen to all ears, the universally recognized token for justifying distrust, dread and aversion towards him who bears it. Instead of the desire to increase their intercourse with us, and to welcome our citizens wherever they may present themselves, the wish which will be deepest at the heart of all Spanish America will be the wish, that all communication with us might be forever at an end, and that it might never more hear of an American Citizen.

To return to the character of the Parties in this country—I mean what can be considered as national parties, in contradistinction to mere personal factions: the only one of which it remains to speak is the *Monarchists*. This also counts some good men, some who have the welfare of their country at heart. But, the result of all my enquiries is, to satisfy me that the party is *altogether impotent*, and that it never can, by any possibility, acquire the ascendancy here,

or be otherwise than impotent, even to influence in any degree the destinies of this country, or the course of public affairs. It is, at this moment, busy in intrigues; but these intrigues excite no apprehension whatever, that they can result in anything favorable to their object. They are incapable in themselves of producing even a transient effect upon the stability of the government, or to affect it in any manner. The Puros, who are ever ripe for anything to compass their end, might, by their machinations on the same side, give a semblance of importance to the cry for a Monarchy, should a *pronunciamento* of this complexion take place. If they should so act now, it would not be for the first time. They co-operated with Paredes—who, being truly and honestly (for he is an honest, though a very weak man) a Monarchist, entertains views diametrically opposed to theirs—in overthrowing Herrera, who, but for his overthrow, would have prevented the war.

Having stated the character of the Government from which the Mexican Plenipotentiaries derived their authority to act, I will now add such facts as are requisite for estimating probabilities as to the future, and particularly with reference to the ratification.

Since the 8th of the present month, the *provisional* Presidency has again devolved upon Señor Peña. That day being the one which had been fixed for the commencement of the new presidential term, and for the inauguration of the President who should be *regularly* chosen by the electoral colleges, the choice by Congress of a President *ad interim*, which took place in November, as above stated, could be made only for the period which expired on that day. But, when the day came, the new Congress had not met; and hence, the coming into effect again, of the *provisional* Presidency. This, agreeably to the constitution, will continue in force until the new Congress shall have met. Immediately upon this having taken place, the votes for the Presidency given by the electoral colleges will be counted, and if no one shall have received a majority of all the electoral votes, a President *ad interim* will be elected by the Chamber of Deputies, voting by States.

Under the present constitution, a full Congress consists of 63 Senators, (*two* from each State, and half as many more, elected by the Senate, the Supreme Court, and the Chamber of Deputies voting by States: the suffrage of each of these three bodies being requisite to the election of a

UNAM - IHH

Senator of this class) and 139 Deputies. In the Senate it requires 32 members to make a quorum; in the Chamber, it requires 70 Deputies.

Under the elections which have taken place, twelve votes (by as many states) have been given for President. Of these, General Herrera has received five; Señor Ocampo, three; Señor Trias, two; and Santa Anna, two: these two having been given by States when the Puros (or War-until-annexation party—the men of all others most inimical to Santa Anna, and whom he most dreads) obtained the ascendancy.

Nine votes for the Presidency yet remain to be given. Of these, it is expected that General Herrera will receive five or six; and that the remainder will be divided amongst men of the same political complexion as himself; that is, of the Moderado party. Should the number obtained by him be six, he will then be the President. Otherwise, there will be no election; and Congress must proceed to elect a President *ad interim*, to fill the post until, in pursuance of the decree issued by Congress, the electoral colleges, shall have again voted, and majority of their votes shall have been received by some one individual. There is not the remotest possibility that Santa Anna, or any one except a Moderado, should be elected to the Presidency *ad interim*.

The political complexion of the new Congress, thus far, is as follows: under the elections which have taken place, 22 Senators and 65 Deputies have been chosen; of whom, seventeen in the Senate, and fifty-five in the Chamber, are Moderados. The elections are yet to be held in nine states, which send 18 Senators and 69 Deputies; of the latter of whom, fifty-six or seven are expected to be of the Moderado party, and a corresponding proportion of the former.

It will be perceived that a sufficient number of Senators are already elected, to form a quorum for proceeding to the election of the special class of Senators; and that the election of five more Deputies will complete the number necessary for a quorum of their body.

The great, indeed the only serious, obstacle to the prompt meeting of Congress is, the pecuniary destitution under which the Government is laboring, and which is so great as absolutely to incapacitate it from supplying the Members, as has always been customary, with the means to defray their travelling expenses. This obstacle will, however, I trust, be removed in a few days.

I will now enter upon the subject of the Treaty itself. The negotiation has been an exceedingly laborious one, and has occupied me, without intermission for several weeks, during as many hours of every twenty-four as could possibly be given by one to work; and at no other period of my life, so strong has my health become, could I have undergone the same amount of labor.

Independently of the desirableness, that the treaty should be a good one, the very peculiar posture of affairs in this country required that it should be such as to *protect itself* against the tempest of objections, ready gathered to burst upon it, as the last resource for overwhelming and upturning the Government, in order that the object may be accomplished of compelling our Country into an amalgamation with this, by rendering peace impossible in any other way. In order that it might so protect itself, it was requisite, not merely that the Treaty should present the fewest possible features that could be objected to, but that it should, with reference to the fears, the suspicions and even the prejudices of the Mexican people, carry upon its face as many positive recommendations as the nature of the subjects stipulated upon rendered practicable.

The plan upon which I proceeded, to arrive at such a result was, in the first place, to request the Mexican Commissioners to take the Project of the United States as a basis, and to suggest such modifications as might seem to them desirable. The result of this request was, an entire new draught from them; in which but very little of our Project was retained, and in which I found very little that could be acceded to, at least without material changes, either as to substance or as to form. It answered, however, as a basis for me to work upon, in preparing substitutes for the articles contained in their draught: governing myself by our Project, by my instructions, and where these did not touch the subject, by the Treaties which have been entered into by our country. Where these resources all failed, I had to rely upon such knowledge as I possess of her principles and policy, with respect to the various topics that presented themselves. My substitutes led to discussions, in which I had to explain why that which had been proposed by them was inadmissible, wherein consisted the difference between it and the proposed substitute, and why this presented the only way, and the only degree, in which the object could be obtained. In this manner, modifications and remodifications succeeded each other, with reference to every topic

UNAM - IHH

which the Treaty contains; until finally the various stipulations were agreed upon, both as to substance and as to form. As this was done, the Articles were written anew by me, translated by one of the Commissioners (Señor Cuevas, who reads English very well, although he does not speak it or understand it when spoken) and then, the phraseology changed, in one or the other version, or in both: so that the idiom of both languages might be preserved, whilst at the same time the Treaty should present in both a correspondence of expression as well as a perfect identity of sense. In this I had to indulge the gentlemen on the other side, (whose language is more peremptory than ours, in its requirements for a correct style) by allowing them to put into what they considered idiomatic Spanish, the meaning of the articles draughted by me, varying the structure as far as they deemed necessary; and then myself writing the articles over again in English, so as to make them conform to the Spanish. As the result of this labor, the Treaty, whilst it is both English and Spanish, and not, on either side, a mere literal translation from the other, will be found to exhibit a correspondence in the two languages, which is by no means common in those which have come under my examination.

Some things which were proposed and strongly insisted upon, on the part of the Mexican Government, were of a nature to admit of nothing but a positive refusal. Among these were the distinct proposal, that the Treaty should be made under the guaranty of neutral powers; and that it should stipulate absolutely for the submission of all future differences to arbitration. The stipulation on the latter subject, as modified by me, will be found in Article 31. In that shape, whilst it serves to strengthen the Treaty in this Country, it can do no harm, but may do good, as a formal recognition of the general expediency and duty of using every endeavor to settle differences otherwise than by a resort to the *ultima ratio*. Besides the two proposals just stated, the negotiation commenced with one, to enter into a convention which, leaving us in possession of the territory comprehended within our proposed boundary, should submit the whole question between the two Countries to arbitration.

The *Boundary* is the one defined in the Project, with a slight variation at its western extremity: an explanation on which point will be found in the accompanying paper marked A.—The one marked B.1 relates to the parallel

of 32° as a boundary. Upon entering on the negotiation, I had, in pursuance of the views presented in your Despatch of the 19th July, determined to insist upon that parallel, from the Rio Bravo across to the Pacific, as a *sine qua non*. Although there told that it was not then intended that I should do so, I presumed that the disposition entertained by the President at the present time required that I should do so now. But, in forming the determination to insist upon this line, I had not adverted to the fact, that it constituted an insuperable obstacle to the negotiation of a Treaty, no matter what its terms might be in other respects. This was the case, even if the difference, between the territory which that line would give us and that comprehended in the boundary of the Project, should be ever so inconsiderable. It mattered not whether it was ten miles or ten feet in width, the effect would be all the same: to render a treaty impracticable.

The States of Sonora and Chihuahua, which adjoin New Mexico, had solemnly protested against the transfer of a single foot of their territory, and against the validity of any such transfer, if made. This was, therefore, a *sine qua non* with the Mexican Government; and one which it was absolutely impossible that, it should depart from, even if it were ever so strongly disposed to do so: because it would have rendered the ratification of the Treaty an impossible thing. Not only would the delegations of those States have opposed it, but it could not have obtained a single vote in its favor. If there be in this Country one sentiment more universal and decided than any other (and this, with especial reference to our Country, and the design imputed to her) it is the one which denies the possibility of a valid transfer by the General Government, of any portion of the territory of one of the sovereign States. The argument on this subject is unanswerable. It is set forth with great clearness by the Puros (or war-until-annexation party) in the Manifesto referred to in my Despatch of the 26th December, as constituting "the last stand made by them, in the character of members of the expiring Constituent Congress, against the consummation of the measure, (a Treaty of Peace) upon which the Government is known to them, and to every one, to be intent" Nor does it avail to urge against this denial of authority in the General Government, *the Supreme law, of necessity*: for it is fortified at this point also. It says, of the Union, after having exhausted all its means in defense of its members, finds itself incapable in regard to

any one or more, of protecting them; in such case, let the portion of the Republic, with respect to which the impossibility of defence exists, be *abandoned* for the time. But, this inability gives no right to the Union to *alienate* any portion of any State, whether it be for the purpose of purchasing peace for the rest, or any purpose whatever. No such alienation can be valid.

Thus unsurmountable was the obstacle to the adoption of the parallel of 32° as the boundary. The only particular, in respect to which it was practicable to overstep this limitation to the transfer of territory, is the small portion of the state of Tamaulipas, lying north of Rio Bravo, and running a short distance up that river: which strip of country (extending either to the Nueces or as far as the San Antonio—I do not recollect which and have not the references at hand) just as certainly constituted a part of that state, and not of Texas, at the time when the latter declared her independence, as it is certain that the Counties of Accomack and Northampton do now constitute a part of the State of Virginia, and not of Maryland. Tamaulipas, however, has not made any protest on the subject; and it is believed that the boundary will be silently acquiesced in by her and that, in view of the extreme peculiarity of the case under every aspect, this departure from the principle will not be made a point of by those in favor of peace.

The declaration with which the Article in the boundary concludes, was a *sine qua non* on the part of the Mexican Government. I entertain no doubt whatever of its great importance in respect to the ratification of the Treaty; and my mind is far from being satisfied—such is the state of the public mind on this point—that the ratification would have been practicable without the aid which it gives. It was proposed, that it should form an Article apart, in terms that were inadmissible. In its present form and place, it is result of repeated conversations, and was offered by myself: after which, several modifications of phraseology were proposed from the other side; a part of which were acceded to, and the rest not.

The *Indemnity*, or amount to be paid by the United States, is Five millions less than the sum I was authorized by my instructions to pay for the same Boundary, and which a compliance with those instructions would have required me to agree to pay, if necessary to secure that boundary, had a treaty been made in September last; or

indeed, at any time prior to the receipt of the counter-instructions, which (the *triplicate* thereof) first came to hand on the 16th of November, as the Department was advised at the time. Taking into consideration, on the one hand, the time when the offer of Twenty millions for the same boundary was made by the United States, (not formally or upon paper, but by an intimation from me, which was just as binding) and the period during which that offer had remained in force; and on the other hand, the contents of the Despatches received by me in November, and those of the President's message, as regards the increased expenditure of blood and treasure attending the prosecution of the war, in connection with the continued disposition of our Government not to exact more than a fair compensation of that expenditure: taking all these things into consideration, and taking also those twenty millions as the standard for my government, in estimating the deduction which should be made from it, to bring the sum into accordance with those views, I have deemed it my duty to strike off five millions, and, at the same time not to reduce the sum any lower. I made the offer of the Fifteen millions, at once, announcing that it was the highest point to which I could go. I was not at the time aware that the Mexican Plenipotentiaries had had their hands tied against accepting anything less than thirty millions. This was the case, however; and it has continued to be the case down to this moment. The copies of the Treaty for signature, now being made, must stop at the 12th Article, until the Government at Queretaro shall have consented to accept the fifteen millions, upon learning that I have remained inflexible upon that point, even at the risk of the Treaty being lost, and shall have made its election as to the mode of payment.

With regard to the *Discharge and Assumpiton* of claims, explanation will be found in the accompanying paper, marked C.

The condition of the inhabitants of the ceded or transferred territory is the topic upon which most time has been expended, in the modes stated at the commencement of these remarks. It constituted a subject upon which it was all-important that the Treaty should be guarded at all points, and should recommend itself as strongly as possible. Every thing proposed on the other side in regard to it was inadmissible or objectionable, in substance or form; and the Articles, as they now stand, are the result of drafts prepared by myself,

and were repeatedly amplified and otherwise altered, to meet the wishes of the Mexican Commissioners. The stipulations regarding the incorporation of the inhabitants into our Union were restricted to the *Mexican* inhabitants, because, as the Mexican Commissioners stated, their Government has no right to enter into such stipulations in regard to the foreigners who may be residing in the transferred territory. The right of Mexicans residing there, to continue there retaining the character of Mexican citizens, would follow, as a necessary consequence, from the right secured to such citizens by the Treaty of Commerce, to go and reside there. On this point, and for the right secured to such citizens, resident or non resident, to retain the landed property they may own there, a precedent was afforded by our British Treaty of 1794. (Articles 2 and 9) The liberty to "grant, sell or devise the same to *whom they please*", I qualified by restricting the right of purchase to *Mexicans*. This stipulation is particularly important to land holders on the Rio Bravo, and especially so, to the Citizens of Tamaulipas, the estates of some of whom, situated south of the Bravo, are dependent in some respects for their value, upon lands on the north of that river, which are used as pastures.

With respect to grants of land made by the Mexican authorities, the *proviso* contained in my instructions was strenuously objected to, upon a point of national honor and decorum. No such grants had been made since the 13th May 1846. This they knew; and consequently the proviso could have no practical effect. But it implied that they had been made, or might have been made, and that nevertheless the Government committed the injustice of revoking them; which, in fact, it had authority to do: Moreover, it involved an acknowledgement, that from the day when hostilities broke out on the north of the Rio Bravo, the Mexican Government had lost the right to make grants of land in any part of its territory subsequently occupied by us. Feeling the force of these objections, I requested them to make sure of the fact stated by then: and also, in regard to no grants having been made in Texas since the revolution, which had been incidentally mentioned by one of them. And this having been done, in a manner which left no shade of doubt on their minds, the declaration which will be found at the end of Article 10, was agreed upon in lieu of the proviso.

The stipulation respecting grantees who had been prevented from fulfilling the conditions of their grants, was taken from the Florida Treaty: that precedent being mo-

dified to meet the necessity of distinguishing between lands in Texas and those situated elsewhere, and of respecting her authority over the subject. This did not permit the declaration that the grants within her limits shall be null and void; as she might have seen fit, or might see fit hereafter, to adopt a different determination. Nor did it permit the declaration, that they shall not be obligatory upon her, (as I had at first written it) except with the qualification, "in virtue of the stipulations contained in this article". On the other hand, the right of the United States to stipulate with Mexico, in regard to grants of land in Texas, seemed to me, beyond the possibility of question, to be involved in the transfer from Texas to the United States, of the authority to make a Treaty of peace between her and Mexico.

The stipulations respecting the Indians inhabiting the transferred territory, independently of their justice, were indispensable to make the Treaty acceptable to the northern states, or to any who take the proper interest in their security: in a word, to any one who has the feelings of a Mexican Citizen, or the least respect for the obligations which a Federal Union imposes. Excepting only the specific prohibition against supplying the Indians with fire arms and ammunition, (if, indeed, this can justly be deemed an exception) those stipulations contain nothing which is not expressed or plainly implied in the Treaty of Amity, Commerce and Navigation (article 31) which is revived in the present Treaty of Peace. But, to make the Article what it must be to satisfy the public mind of this country, it was necessary that those implied obligations should be set forth in detail, and expressed in the most *unequivocal* manner. Upon examining the old Treaty, I found that it imposes absolutely, and without any saving or qualification whatever, as to the practicability of the thing, the obligation "to *restrain*" by force all hostilities and incursions" and, "not to *suffer* their Indians to *attack*"; and also, in regard to captives made by Indians, "to return them to their Country, as soon as they know of their being within their respective territories". I found also, that the last sentence is so worded as to restrict the prohibition against the purchase of captives, in a manner which could not possibly have been intended. In the new Treaty the obligations above referred to are expressed with the qualifications demanded by the nature of the subject, in order that they may have the character of a practical law, a rule upon and established, upon serious consideration of its requirements, and in the

bona fide intention that these shall be fulfilled: an intention which stands exposed to serious doubt, when engagements entered into "in the most solemn manner", are found expressed in a manner so loose, that their exact fulfilment, as expressed, involves impossibilities.

The stipulations concerning merchandise imported into the country during our occupation of its ports, required to be put into their present form, in order that they might not have the effect of placing such merchandise with respect to its introduction into places not occupied by our troops, on a *better* footing than if imported in time of peace: which, even if it could have been demanded consistently with justice was in a practical point of view, impossible by reason of the incompatibility with the execution of the state and Municipal laws regarding this subject. To discriminate, in this regard, between merchandise imported through ports occupied by us, and other merchandise, would have been practicably impossible, owing to the temptation and facilities it would have afforded to frauds, and the endless controversies, complaints and claims to which it would have given rise. For the same reason, the right to reship was restricted to goods *in the ports*: otherwise, it would have put it in the power of any one, under the pretext of going to a port of reshipment, to traverse the Republic with goods, passing through whatever places he pleased, and dropping them on the way.

The last article, is founded on one contained in our Treaty with Prussia, of 1785, (which bears the signatures of Benjamin Franklin, Thomas Jefferson, and John Adams). In the first draught presented by the Mexican Commissioners the Article had been copied from the Prussian Treaty. After making in it such modifications as seemed to me desirable, it was agreed upon in that shape.

The preamble also, after a few modifications, was adopted from the draft of the Mexican Commissioners.

I am [etc.].

Manning, *op. cit.*, Vol. VIII, p. 1034-1059.

2 de febrero de 1848. México. N. Trist a J. Buchanan.

Sir:

I transmit herewith, the Treaty of Peace, Friendship, Limits and Settlement, signed one hour ago, at the city of Guadalupe; a spot which, agreeably to the creed of this country, is the most sacred on earth, as being the scene of the miraculous appearance of the Virgin, for the purpose of declaring that Mexico was taken under her special protection.

During the negotiation—which has been an exceedingly laborious one, and has kept me closely employed for several weeks past, during every day and night, for as many hours as I could possibly give to labor—I have written many notes which would serve as an explanation of the Treaty in all its stipulations; and I have also written a long despatch on the subject. But it has proved impossible for me to find time to copy these papers, or to get them copied, for transmission. They will go some days hence, with the duplicate of the Treaty. Meanwhile this must speak for itself.

It will be delivered to you by Mr. James L. Freaner, the correspondent of the New Orleans Delta, who has given such celebrity to the signature of "Mustang". For a service of this kind, he would be my first choice, by far, of all the men whom I have ever known; as he would be among the very first for any service which a man may be qualified for by high integrity of character, strong manly good sense, extraordinary sagacity and presence of mind, perfect fearlessness, and many other noble qualities; all united with a frame of steel and the sinews of a mountain deer. He had made his arrangements for leaving this place, on his return to the United States, with the train, which I had myself intended to accompany, and which set out from hence on the ninth of December last. Aware of his great value in such a capacity, at a juncture like the present, when the loss of a single hour might be attended with consequences the most momentous, I obtained his consent to remain here, with a view to the contingency which has occurred. I consider him, therefore, as having been in the employment of the Government as a special Bearer of Despatches, from the 9th of December. As generous and disinterested in his disposition, as he is brave and upright, he would be per-

fectly content with the consciousness of having been useful to our country, without any other reward; but I have told him that I should insist upon this matter's being placed upon the footing just stated.

With respect to the ratification of the Treaty, I believe the chances to be *very* greatly in its favor; although it cannot be counted upon is less than two months from the date of the proclamation which will be issued by the executive summoning the new Congress. The elections have not yet been held in the States of Vera Cruz and Puebla. In the former, the Puros (war party) never had any strength whatever; and in the latter, not enough to counteract a vigorous and concerted effort on the part of the Moderados. These elections will now speedily take place, under the arrangements for facilitating them which will be entered into in pursuance of the 2d. Article of the Treaty; (inserted with a special view to this object) and the result will, according to every probability, give to the Peace party in Congress a preponderance so decided as to ensure its prompt ratification.

I am [etc.].

Manning, *op. cit.*, Vol. VIII, p. 1059-1060.

344

Tratado de límites entre México y los Estados Unidos.

Artículo V

La línea divisoria entre las dos repúblicas comenzará en el Golfo de México tres leguas fuera de tierra frente a la desembocadura del río Grande, llamado por otro nombre río Bravo del Norte, o del más profundo de sus brazos: correrá por mitad de dicho río, siguiendo el canal más profundo, donde tenga más de un canal hasta el punto en que dicho río corta el lindero meridional de Nuevo México; continuando luego hacia occidente por todo este lindero meridional (que corre al Norte del pueblo llamado Paso) hasta su término por el lado de Occidente: desde allí subirá la línea divisoria hacia el Norte por el lindero occidental de Nuevo México, hasta donde este lindero esté

cortado por el primer brazo del río Gila (y si no está cortado por ningún brazo del río Gila, entonces hasta el punto del mismo lindero occidental más cercano al tal brazo, y de allí en una línea recta al mismo brazo): continuará después por mitad de este brazo y del río Gila hasta su confluencia con el río Colorado: y desde la confluencia de ambos ríos la línea divisoria, cortando el Colorado, seguirá el límite que separa la Alta de la Baja California hasta el Pacífico.

Los linderos meridional y occidental de Nuevo México, de que habla este artículo, son los que marcan en la carta titulada: *Mapa de los Estados Unidos de México*, según lo organizado y definido por varias actas del Congreso de dicha república y construido por las mejores autoridades: edición revisada que publicó en Nueva York en 1847 J. Disturnell, de la cual se agrega un ejemplar al presente tratado, firmado y sellado por los Plenipotenciarios infrascritos. Y para evitar toda dificultad al tratar sobre la tierra el límite que separa la Alta de la Baja California, queda convenido que dicho límite consistirá en una línea recta tirada desde la mitad del río Gila en el punto donde se une con el Colorado, hasta un punto en la costa del mar Pacífico, distante una legua marina al sur del punto más meridional del puerto de San Diego, según este Puerto está dibujado en el plano que levantó el año de 1782 el segundo piloto de la Armada Española don Juan Pantoja, y se publicó en Madrid el de 1802 en el atlas para el viaje de las goletas *Sutil y Mexicana*; del actual plano se agrega copia firmada y sellada por los plenipotenciarios respectivos.

Para consignar la línea divisoria con la precisión debida en mapas fehacientes, y para establecer sobre la tierra mojones que se pongan a la vista los límites de ambas repúblicas, según quedan descritos en el presente artículo se nombrará...

La línea divisoria que se establece por este artículo será religiosamente respetada por cada una de las dos repúblicas, y ninguna variación se hará jamás en ella, sino de expreso y libre consentimiento de ambas naciones, otorgando legalmente por el gobierno general de cada una de ellas, con arreglo a su propia Constitución.

Hunter Miller (ed.) *Treaties and other international acts of the United States of America*. Vol. 5, docs. 122-150:1846-1852. Washington, U. S. Government Office, 1937, p. 213-216.

345

12 de febrero de 1848. México. Trist a Buchanan.

Sir:

I transmit herewith the maps referred to in the Fifth Article of the Treaty of Peace, Friendship, Limits and Settlement between the United States and the Mexican Republic, which was signed in Quintuplicate on the 2d. instant and despatched immediately after. The Duplicate of the Treaty was transmitted on the 9th, together with my despatch number 27, which had been written in the days immediately preceeding the signature of the treaty, but which it had proved impossible for me to get copied out for transmission, or to find time for copying myself. The same remark still applies to enclosures A and B of number 27; although it went accompanied by its enclosure C.

I take great pleasure in stating that the probabilities of the ratification of the Treaty by Mexico, which were previously very good, have been becoming stronger and stronger every hour for several days past, and that there is good reason to believe that it may take place within two months from its date.

In the accompanying "Monitor Republicano" of the 11th instant will be found the circular of the Minister of Relations to the Governors of States informing them of the signature of the Treaty.

I am [etc.].

Manning, *op. cit.*, Vol. VIII, p. 1060-1061.

346

16 de marzo de 1848. Washington. J. Buchanan a Ambrose H. Sevier.

Le transmiten por una relación los documentos necesarios para su misión en México y entregan los pasaportes además le explican cómo va a cobrar 9 000 de sueldo anuales, aparte de 1 200 que se destinarán a los gastos de la legación.

Mexico, Instructions. November 10, 1845-April 6, 1854. Department of State. Vol. 16, doc. núm. 2, p. 94-96. NAW.

18 de marzo de 1848. Washington. J. Buchanan a M. De la Peña.

Sir:

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

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

The Senate commenced their deliberations on this Treaty on the 23d February, last, and continued to discuss its provisions until the 10th instant (March) when they finally advised and consented to its ratification by a majority of 38 to 14. Your Excellency will perceive that a change of 4 votes taken from the majority and added to the minority would have defeated the Treaty.

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

all the information which they may require to guide their deliberations.

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

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

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

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

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

Article 9. 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 pro-

per 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 meantime shall be maintained and protected in the free enjoyment of their liberty and property, and secured in the exercise of their religion without restriction.

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

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

Article 3. The inhabitants of the ceded territory shall be incorporated in the union of the United States, and admitted as soon as possible, according to the principles of the Federal Constitution, to the enjoyment of all the rights, advantages and immunities of citizens of the United States, and in the meantime they shall be maintained and protected in the free enjoyment of their liberty, property, and the religion which they profess.

Again, in the Florida Treaty of 22nd February, 1819, the following articles are contained.

Article 5. *The inhabitants of the ceded Territories shall be secured in the free exercise of their religion without any restriction;* and all those who may desire to remove to the Spanish Dominions, shall be permitted to sell or export their effects, at any time whatever, without being subject, in either case, to duties.

Article 6. The inhabitants of the territories which His Catholic Majesty cedes to the United States, by this Treaty, shall be incorporated in the Union of the United States, as soon as may be consistent with the principles of the Federal Constitution, and admitted to the enjoyment of all the privileges, rights and immunities of the citizens of the United States.

Under these Treaties with France and Spain, the free and flourishing States of Louisiana, Missouri, Arkansas, Iowa

UNAM - IHH

and Florida have been admitted into the Union; and no complaint has ever been made by the original or other inhabitants that their civil or religious rights have not been amply protected. The property belonging to the different churches in the United States is held as sacred by our Constitution and laws as the property of individuals; and every individual enjoys the inalienable right of worshipping his God according to the dictates of his own conscience. The Catholic Church in this country would not, if they could, change their position in this particular.

After the successful experience of nearly half a century, the Senate did not deem it advisable to adopt any new form for the 9th Article of the Treaty; and surely the Mexican Government ought to be content with an article similar to those which have proved satisfactory to the Governments of France and Spain and to all the inhabitants of Louisiana and Florida, both of which were Catholic provinces.

I ought perhaps here to note a modification in the 9th article, as adopted by the Senate, of the analogous articles of the Louisiana and Florida Treaties. Under this modification, the inhabitants of the ceded territories are to be admitted into the Union, "at the proper time (to be judged or by the Congress of the United States)" and c.

Congress, under all circumstances and under all Treaties are the sole judges of this proper time, because they and they alone, under the Federal Constitution, have power to admit new States into the Union. That they will always exercise this power as soon as the condition of the inhabitants of any acquired territory may render it proper, cannot be doubted. By this means the Federal Treasury can alone be relieved from the expense of supporting territorial Governments. Besides, Congress will never lend a deaf ear to a people anxious to enjoy the privilege of self government. Their application to become a State or States of the Union will be granted the moment this can be done with safety.

The third amendment of the Senate strikes from the Treaty the 10th Article.

It is truly unaccountable how this article should have found a place in the Treaty. That portion of it in regard to lands in Texas did not receive a single vote in the Senate. If it were adopted, it would be a mere nullity on the face of the Treaty, and the Judges of our Courts would be compelled to disregard it. It is our glory that no human power exists in this country which can deprive one individual of his

property without his consent and transfer it to another. If grantees of lands in Texas, under the Mexican Government, possess valid titles, they can maintain their claims before our Courts of Justice. If they have forfeited their grants by not complying with the condition on which they were made, it is beyond the power of this Government, in any mode of action, to render these titles valid either against Texas or any individual proprietor. To resuscitate such grants and to allow the grantees the same period after the exchange of the ratifications of this Treaty to which they were originally entitled for the purpose of performing the conditions on which these grants had been made, even if this could be accomplished by the power of the government of the United States, would work manifold injustice.

These Mexican grants, it is understood, cover nearly the whole sea coast and a large portion of the interior of Texas. They embrace thriving villages and a great number of cultivated farms, the proprietors of which have acquired them honestly by purchase from the State of Texas. These proprietors are now dwelling in peace and security. To revive dead titles and suffer the inhabitants of Texas to be ejected under them from their possessions, would be an act of flagrant injustice if not wanton cruelty. Fortunately this Government possesses no power to adopt such a proceeding.

The same observations equally apply to such grantees in New Mexico and Upper California.

The present Treaty provides amply and specifically in its 8th and 9th Articles for the security of property of every kind belonging to Mexicans, whether acquired under Mexican grants or otherwise in the acquired territory. The property of foreigners under our Constitution and laws, will be equally secure without any Treaty stipulation. The tenth article could have no effect upon such grantees as had forfeited their claims, but that of involving them in endless litigation under the vain hope that a Treaty might cure the defects in their titles against honest purchasers and owners of the soil.

And here it may be worthy of observation that if no stipulation whatever were contained in the Treaty to secure to the Mexican inhabitants and all others protection in the free enjoyment of their liberty, property and the religion which they profess, these would be amply guarantied by the Constitution and laws of the United States. These invaluable blessings, under our form of Government, do not

UNAM - IHH

result from Treaty stipulations, but from the very nature and character of our institutions.

The fourth amendment of the Senate is to strike from the 11th Article, the following words: "nor to provide such Indians with fire arms or ammunition, by sale or otherwise".

This amendment was adopted on a principle of humanity. These Indians must live by the chase; and without fire arms they cannot secure the means of subsistence. Indeed, for the want of such arms, the extremity of hunger and suffering might drive them to commit the very depredations which the Treaty seeks to avoid, and to make incursions for food either upon the Mexican or American settlements. This Government possesses both the ability and the will to restrain the Indians within the extended limits of the United States from making incursion into the Mexican territories, as well as to execute all the other stipulations of the 11th article. We believe, however, that whilst to deprive them of fire arms and ammunition would be cruel, it would at the same time have a tendency to increase rather than to diminish their disposition to make hostile incursions.

The fifth amendment of the Senate to the twelfth article adopts the second mode of payment of the remaining \$12 000 000, after the payment of the first \$3 000 000, in exclusion of the first mode pointed out by the Treaty. The amended article as it stands is as follows.

Article 12. 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 this Treaty shall have been duly ratified by the Government of the Mexican Republic, the sum of three millions of dollars shall be paid to the said Government by that of the United States, at the City of Mexico. The remaining twelve millions of dollars shall be paid at the same place and in the same coin, in annual instalments of three millions of dollars each, together with interest on the same at the rate of six per annum. This interest shall begin to run upon the whole sum of Twelve millions from the day of the ratification of the present Treaty by the Mexican Government, and the first of the instalments shall be paid at the

expiration of one year from the same day. Together with each annual instalment, as it falls due, the whole interest accruing on such instalment from the beginning shall also be paid.

It is not apprehended that the Mexican Government will have any difficulty in agreeing to this amendment. It is true that in case they should find it convenient to anticipate the receipt of the whole or any part of the \$12 000 000, they might do this more readily were a stock to be created and transferable certificates issued for small and convenient sums; but yet no doubt is entertained that capitalists may be found who will be willing to advance any amount that might be desired upon the faith of a Treaty obligation solemnly entered into by the Government of the United States.

The sixth amendment of the Senate is to insert in the twenty third article after the word, "Washington", the words "or at the seat of Government of Mexico". The object of this amendment is to hasten the final conclusion of peace between the two Republics. Under it, should the President and Congress of Mexico agree to the Treaty as it has been amended by the Senate of the United States, the ratifications may be immediately thereafter exchanged at Queretaro and the happy consummation be at once accomplished.

The seventh and last amendment of the Senate is to strike out the additional article. This was done from the conviction that the period of four months from the date of the Treaty, the time allowed by the 23d Article for the exchange of ratifications, would be abundantly sufficient for this purpose: and this more especially as the ratifications may now, under amendment of the Senate, be exchanged in Mexico. Besides, the idea of postponing the final conclusion of peace and keeping the present Treaty pending between the two governments until the 2nd October, next, could not be entertained by the Senate.

The President, by and with the advice and consent of the Senate, has appointed the Honorable Ambrose H. Sevier of the State of Arkansas and the Honorable Nathan Clifford of the State of Maine, Commissioners to Mexico with the rank of Envoy Extraordinary and Minister Plenipotentiary. Mr. Sevier has for many years been a distinguished Senator of the United States, and for a considerable

period has occupied the highly responsible station of Chairman of the Committee on Foreign Relations; and Mr. Clifford is an eminent citizen of the State of Maine, is Attorney General of the United States and a member of the President's cabinet. They will bear with them to Mexico a copy of the Treaty with the amendments of the Senate duly ratified by the President of the United States; and have been invested, either jointly or severally, with full powers to exchange ratifications with the proper Mexican authorities. That this final act may be speedily accomplished and that the result may be a sincere and lasting peace and friendship between the two Republics, is the ardent desire of the President and people of the United States.

I avail myself [etc.].

P. S. I regret to inform Your Excellency that Mr. Sevier has been seized with a sudden illness which renders him unable to depart immediately upon his mission. The two Commissioners, however, have been invested with full and equal powers to execute their instructions severally, as well as jointly, and the acts of the one will be of equal validity with the acts of both. No delay can therefore be experienced on this account. It is expected that Mr. Sevier will be able to leave for Mexico in a week or ten days.

Manning, *op. cit.*, Vol. VIII, p. 221-228.

348

18 de marzo de 1848. Washington. J. Buchanan a A. H. Sevier.

Le comunican oficialmente su nombramiento para una misión de mucha responsabilidad pues le encargan que vaya a consumir el tratado de paz que se firmó en Guadalupe Hidalgo el día 2 de febrero pasado entre los Estados Unidos y México y que fue ratificado por el senado de los Estados Unidos el 10 de marzo, con algunas enmiendas.

Su misión consistía en ir a México para conseguir que el gobierno local lo ratificara, también, en la forma en que lo había hecho el de los Estados Unidos sin mayor retraso.

Debería explicar al gobierno mexicano las causas por las cuales el senado americano enmendó el tratado y lo haría

de palabra evitando el envío de notas diplomáticas pues esos escritos sólo prolongarían las cosas y por otra parte ya no podía alterar nada en el texto. El gobierno mexicano debía sólo aprobar y ratificar pues en esto consistía la parte central de su misión.

Si se hiciera resistencia por parte del gobierno tendría que explicar cuáles eran los puntos que el senado de los Estados Unidos tendría a bien discutir a fin de restaurar la paz entre las dos repúblicas.

Ni el presidente ni el senado de los Estados Unidos podían consentir en una ratificación a un tratado donde apareciera el artículo 10 del tratado de Guadalupe Hidalgo en favor de los concesionistas mexicanos de las tierras texanas o de cualquier otro lugar. El gobierno de los Estados Unidos no tenía el poder de llevar semejante artículo a la práctica. Si contara con ese poder el procedimiento sería injusto. En caso de que el gobierno mexicano persistiera en mantener ese artículo, la paz inmediata tendría muy pocas posibilidades y así debía decirlo al gobierno mexicano.

Sobre la enmienda al artículo 12 del tratado relativa a cómo pagar los 12 000 000 de dólares, el caso podría verse de manera diferente:

That enlightened body would probably not insist on these amendments if it should appear that they involved the question of peace or war. That they may involve this question is not probable, but of this you can better judge upon the spot than the President can at this distance.

El gobierno de México, se sabía, estaba necesitado de dinero:

Their revenues have been rightfully seized by the commanding General for the support of the United States army in Mexico and they are thus left comparatively without resources. The Mexican Government are pledged to peace. They have staked their existence upon peace. Without peace they must be destroyed. It may be, however that they cannot sustain themselves in making peace and executing the treaty without the receipt of the whole or part of the 12 000 000. Should this appear to you to be clearly the case, and that they cannot obtain the means necessary to prolong their existence under the amendments of the Senate to the 12th article, it is not supposed that you would incur any risk by assuring them that the Senate would recede from these amendments.

It cannot be denied that the twelfth article, as ended

by the Senate, contains a positive and unconditional obligation on the part of the United States to pay to the Mexican Republic the sum of 12 000 000, in four annual instalments of three millions each commencing one year after the ratification of the treaty by the Mexican Government. Negotiable certificates cannot however, be issued for that amount. All that this Government could possibly do, under the treaty as it now stands, would be to furnish the Mexican Government with evidences of the debt in exact conformity with the terms of the articles as amended. Upon such evidences, it is believed that the Mexican Government might raise the means necessary for their immediate support. In this belief the President may be mistaken, because capitalists are a timid race. Should it appear to the Senate that such would probably prove to be the fact, it is confidently believed that they would not risk a defeat of the Treaty by adhering to their amendments, although doubtless highly proper, are comparatively unimportant. According to the President's understanding of that portion of the 9th. article as it originally stood, which relates to the Catholic Church, it contains nothing more than an amplification of the clauses contained in the Louisiana, Florida, treaties and in the amendment of the senate to the present treaty providing for the security of the Catholic inhabitants in the free exercise of their religion without restriction. In this view of the subject the amendment could not finally jeopard the fate of the present Treaty.

It is not deemed necessary to remark particularly on the remainin amendments.

Pero le indican que no debe permitir posibilidades de cambio sin haber asegurado antes que sería imposible la ratificación sin concederlas. Por ello debería hacer ver de manera clara:

1. *que al firmar se acababa la guerra y que vendría la paz mientras que, de lo contrario, todo sería sometido de nuevo al senado y en ese caso el retraso podría hacer fracasar el objetivo final.*

2. *que si se volvía a la guerra, el gobierno mexicano nunca podría firmar otra paz sobre las mismas bases favorables que le ofrecían, pues los términos resultaban de hecho en menor favor para los ciudadanos americanos, que podían haber reclamado mejores condiciones. El tratado fue negociado de acuerdo con el ultimátum de las instrucciones fechadas en 15 de abril anterior, cuando solamente se habían enterado de la caída de Veracruz y de San Juan.*

Between that period and the date of the treaty circumstances had entirely changed and a vast amount of precious blood and of treasure had been expended in reaching and capturing the city of Mexico. Whilst for this reason the President might have justly exacted far more rigorous terms, yet such was his desire to conclude peace that he promptly assented to all the material provisions of the present treaty and submitted it to the senate. Should the war be renewed instead of civility, to which the Spanish race attach such peculiar importance, [this civility] ought to be strictly observed by you. This will not only promote the success of your mission but may be the foundation of a lasting peace and sincere friendship between the two Republics.

Si el gobierno de México ratificara el tratado con las enmiendas del senado tachando el artículo 10 y rehusara ratificar todos o alguna parte de las demás enmiendas, entonces les urgiría para que se enviaran comisionados a los Estados Unidos, con poderes suficientes para que se cambiaran las ratificaciones en Washington, y esto en el caso de que el senado aprobara las proposiciones y modificaciones que México hiciera.

En cuanto el tratado fuera ratificado entregaría un giro por tres millones de dólares y comunicaría que se había hecho tal ratificación pues, entonces, todas las fuerzas que ocupaban el país saldrían de él retirándose a la línea territorial establecida en el tratado.

Mexico. Instructions. November 10, 1845-April 6, 1854. Department of State. Vol. 16, doc. núm. 1, p. 84-94. NAW.

349

19 de marzo de 1848. Washington. J. Buchanan a Nathan Clifford.

Sir:

The sudden illness of the Honorable Ambrose H. Sevier lately appointed commissioner to Mexico having prevented him from proceeding immediately upon his mission, the President, by and with the advice and consent of the

UNAM - IHH

Senate, has appointed you an associate commissioner to that Republic with the rank of Envoy Extraordinary and Minister Plenipotentiary. Mr. Sevier and yourself are each invested with full and equal powers, jointly or severally as circumstances may require, to exchange the ratifications of the treaty of Peace concluded at Guadalupe Hidalgo on the 2nd February last, between the United States and the Mexican Republic with the amendments of the Senate and to perform other acts in conformity with your instructions.

You will bear with you to Mexico all the instructions which had been prepared for Mr. Sevier together with a copy of the treaty as it has been ratified by the President of the United States, and you will act in all particulars as through these instructions had been formerly addressed to Mr. Sevier and yourself as joint and several commissioners. It is hoped that in the course of a week or ten days, Mr. Sevier's health may be sufficiently restored to enable him to follow you; but you are expressly enjoined [*sic.* enjoined] not to delay to act upon your instructions awaiting his arrival.

The President has manifested his high confidence in your integrity and ability by entrusting to you this important and responsible mission, and I entertain no doubt that in your conduct you will abundantly justify his selections.

Yours . . .

James Buchanan

Mexico. Instructions. November 10, 1845-April 6, 1854. Department of State. Vol. 16, doc. núm. 1, p. 96-98. NAW.

350

22 de marzo de 1848. Washington. J. Buchanan a N. Clifford y a A. H. Sevier.

Referring to my instructions of the 18th instant relative to the amendments made by the Senate to the 12th article of the Treaty, in regard to the mode of payment of the 12 000 000 the President has deemed it proper to give you additional instructions upon this subject.

The Mexican Government may, notwithstanding all your efforts, refuse to ratify the treaty because of these amend-

ments to the twelfth article. In that event you are authorized to conclude a new treaty with the Mexican Government adopting either the first or the second mode of payment of the 12 000 000 prescribed by the twelfth article as it stood originally, *provided that Government shall have first ratified the original treaty with all the amendments adopted by the Senate.* In case you should conclude such a treaty, it ought immediately to be ratified by Mexico and a ratified copy be brought to Washington at the same time with the ratified copy of the treaty which you shall have received in exchange from the Mexican Government for the copy ratified by the President.

It is not doubted by the President that the Senate would immediately advise and consent to the ratification of the new treaty which may be concluded by you. By this expedient, in case it should become necessary to resort to it, a delay of six weeks or two months in the final conclusion of peace may be avoided.

A full power to you or either of you to conclude such a treaty is herewith furnished.

According to my instructions of the 18th instant, Mr. Sevier, after the exchange of the ratifications is directed to return to the U. S. with the copy of the treaty ratified by the Mexican Government. In that event, Mr. Clifford will not accompany him, but will remain in Mexico until he shall receive further instructions.

J. Buchanan

Mexico. Instructions. November 10, 1845-April 6, 1854. Department of State. Vol. 16, doc. núm. 2. p. 98-99. NAW.

351

2 de abril de 1848. Veracruz. N. Clifford a J. Buchanan.

Anuncia que saldrá para México con escolta, que ya estaba preparada, al día siguiente y que trajo consigo el archivo de la embajada que estaba en Nueva Orleans desde cuando Black lo depositó allí.

I am happy to be able to state that the opinions of the most intelligent persons whom I have met here would au-