

"Having previously ascertained," he reported, "that General Santa Anna would consent favourably to receive the letter from Mr. Secretary Buchanan, and as I knew that there was a very large party in Congress favourable to peace, I addressed a private Note to Señor Ibarra, who has been just named Secretary of State, enclosing the American Minister's letter, and expressing my earnest hope that favourable results would spring from it.—It was forthwith translated and given to General Santa Anna, who expressed himself to Mr. Thornton as anxious for the arrangement of the difficulties between the two countries, and promised that as soon as it was possible to collect a sufficient number of Ministers (sic) together to form a house, he would submit the Note to Congress, and would use his best endeavours for its immediate and favourable consideration. I must say that those endeavours appear to have been faithfully carried out; but such is the extraordinary impracticable character of this people that for the past four days, the Government have been unable to collect a sufficient number to constitute a house.

"In the meantime Señor Ibarra has transmitted through me a letter addressed to Mr. Secretary Buchanan, couched in polite terms and promising the earliest attention of Government through Congress to the contents of that Note."¹

Thornton took Ibarra's note to Puebla, where he arrived on June 24, and notified Trist and Scott of the fact that a special session of Congress had been called to consider the subject of negotiations for peace. Incidentally, his visit coincided with and may have been in part the cause of a reconciliation between these two adversaries.

On June 25 letters were exchanged between them, copies of which have not been preserved, but the tenor of which may readily be inferred. A month later Trist, writing to the Secretary of State, declared that he had misconceived Scott's character, whose "conduct has been characterized by the purest public spirit, and a fidelity and devotion which could not be surpassed to the views of the Government"; and Scott wrote to the War Department that since about June 26 a happy change had occurred in his relations with Trist, and that "our intercourse has been frequent and cordial; and I have found him able, discreet, courteous, and amiable."

¹ Bankhead to Palmerston, June 26, 1847, No. 61; *F. O. MSS.* Ibarra's note, dated June 22, 1847, is printed in Sen. Doc. 1, 30 Cong., 1 sess., 40.

Both expressed a willingness that their letters should be removed from the files of the department; and thus ended the absurd quarrel which had delayed for at least six weeks any possibility of negotiations with Mexico, at a time when conceivably that government might have been very willing to consider terms of peace.¹

Santa Anna's decision to leave to Congress the consideration of Buchanan's note was due, of course, to the law of April 20, under which an attempt by the executive to open negotiations with the American government was declared to be an act of treason; and though Santa Anna would probably not have hesitated to violate any statute if he had felt strong enough to do so, he did not dare, in this instance, to fly in the face of an act of Congress which represented the feelings of at least a large part of the ruling class, and a violation of which would undoubtedly have been seized upon by his enemies as a sufficient excuse for a revolution.

Secretly, however, he endeavored to make something out of the situation, and word was sent to Trist by persons in the city of Mexico who represented themselves to be agents of the President, to the effect that it would be possible to agree upon terms of peace if Santa Anna had a million dollars at his disposal payable on the signing of the treaty, and that he must also have ten thousand dollars on account, payable forthwith. If these conditions were complied with, he would agree to name Mexican commissioners who should open official negotiations. The million dollars was to be a secret payment, not included in the text of the treaty; and it would seem that it was understood that the ten thousand dollars to be paid down were to be used to overcome the resistance of members of Congress.²

The suggestion appealed both to Scott and Trist, who were

¹ Trist to Buchanan, July 23; Scott to Marcy, July 25, 1847; H. R. Doc. 60, 30 Cong., 1 sess., 830, 1011. It was understood at the time in the army that General Persifer F. Smith, with whom Trist had been living at Puebla, was the peace-maker who brought the two irascible gentlemen together.

² "The English Minister is engaged in bringing about a peace. He gives the opinion that a bribe is absolutely indispensable. The Spanish Minister is said to have given the same opinion. Our agents in this business are Englishmen."—(Hitchcock, 268.)

alike eager to terminate the war and showed no scruples as to the method of doing so. They called General Pillow, as the President's next friend, into their councils, and he also, after some hesitation, expressed his approval, and agreed that it was upon the whole expedient to open the negotiation on these terms rather than to march on Mexico and run the risk of another battle. The ten thousand dollars stipulated for were therefore immediately paid over from the secret service money which General Scott had at his disposal, and correspondence seems to have been secretly and actively continued between Trist, on the one hand, and the reputed agents of Santa Anna, on the other.¹ Santa Anna, however, was now reported as being reluctant to carry out the understanding, and Scott was informed that until the American troops could take up a position near the city of Mexico Santa Anna would not be in a position to undertake negotiations.²

The reason why Santa Anna hesitated was undoubtedly because he had discovered that he could not control Congress, and that they would neither give their consent to opening negotiations nor allow Santa Anna to undertake them on his own responsibility. His Secretary of State, Ibarra, had written on the twenty-second of June that Congress must decide as to a treaty of peace, and must "deter-

¹ On July 16 Scott informed some of his principal officers as to these negotiations. Pillow "came out very fully and eloquently" in support of bribing Santa Anna, and Twiggs also approved it. Quitman and Shields dissented, and Cadwalader said nothing.—(Hitchcock, 267.) Trist was careful not to report these secret negotiations to the State Department. When Buchanan learned of them through the newspapers, he wrote a severe and well-deserved rebuke to Trist for his share in "a transaction which would cover with merited disgrace all those who may have participated in it."—(Buchanan to Trist, Dec. 21, 1847; Moore's *Buchanan*, VII, 484.) A similar letter was sent by Marcy to Scott, and inquiries were made of other general officers as to the facts. But the war was over by the time their answers were received, and it seems to have been thought best to let the matter drop. See Polk's *Diary*, III, 245, 251, 261, 341, 384, 388; IV, 196. Quitman, I, 316-329.

² Trist reported to Buchanan that he was informed Santa Anna was afraid to make peace at that time, and would first allow the American army to advance close to the capital; but that he talked of "taking the matter into his own hands in a military way," *i. e.*, making himself dictator. Of course, Trist said nothing about a bribe.—(Trist to Buchanan, July 23, 1847; *State Dept. MSS.*)

mine what should be deemed most proper on that subject";¹ but Congress had been in no hurry to assume such dangerous responsibilities, so that it was not until the thirteenth of July that a quorum was secured and the peace proposals of the President of the United States were laid before the members. By this time Ibarra had ceased to hold office, after a tenure of only three or four weeks, and Santa Anna, through Ramon Pacheco, his new Minister of Relations, addressed a communication to Congress on July 16, urging the importance of their taking some definite stand.²

The subject was thereupon referred by Congress to a committee, and the committee reported that under the Constitution of 1824 the executive was authorized to conduct all diplomatic negotiations and to make all treaties—whether of peace or of any other nature—although before ratification of them he must obtain the approbation of the General Congress; so that the subject was entirely within the jurisdiction of the President.³ The committee also reported that all extraordinary powers conferred by the constituent Congress had ceased upon the re adoption of the Constitution under the *Acta de Reformas* of May 18, 1847, and that so much of the law of April 20 as limited the prerogatives of the executive had become inoperative. They therefore declared that Congress had no power to act.

The whole controversy, of course, turned, in form upon the technical question whether the re adoption of the Constitution of 1824 by the *Acta de Reformas* in May had impliedly repealed the statute of April; but in reality Santa Anna's effort was to persuade Congress to assume a share of the responsibility in undertaking negotiations, while the effort of Congress was to put the whole of the responsibility upon Santa Anna. The difficulty would have been solved by a short act either repealing or re-enacting, in so many words, the law of April 20; but the Congress could not bring itself

¹ Sen. Doc. 1, 30 Cong., 1 sess., 40.

² A full summary of Pacheco's communication will be found in Sen. Doc. 52, 30 Cong., 1 sess., 302 *et seq.*

³ Constitution of 1824, sec. 110, subd. XIV; *Dublán y Lozano*, II, 730.

to adopt either course, so that the subject was eventually laid on the table and nothing was done in regard to it.¹

The character of the opposition was perfectly well understood from the first. Writing a fortnight before Congress actually met, Bankhead expressed his opinion very frankly.

"The whole affair," he wrote, "has been one of those miserable intrigues by which questions of importance are delayed and beneficial measures rendered unavailable. No one possesses moral courage enough to take a due share of responsibility upon himself. General Santa Anna on the one hand, is desirous of leaving the decision to Congress, while, on the other, that Assembly is anxious to throw any of the odium which might attach to the measure upon the shoulders of the Executive."²

A month later Thornton wrote privately to Trist on the same subject as follows:

"You will no doubt have been amused at the mutual endeavours of Congress and Santa Anna to put the responsibility of entering into negotiations upon each other; so far, Congress have succeeded; for although S. A. addressed them the plain question of whether they wished peace or war, he was unable to make them meet to give him an answer; since that time he has been saying to several people, and among the number to Mr. Mackintosh, that he must let General Scott advance, even close up to Mexico and since he is now abandoned by Congress must then as military chief endeavour to make peace. There is no doubt that he is very anxious for peace, for he knows well what will be the fate of his army if he risks another battle; but he has many difficulties to contend with, and many enemies who are raising a war cry merely for the purpose of bringing on his overthrow; the principal of these is Valencia, who returned two days ago from the North with 4,000 men."³

And thus the subject of peace negotiations was dropped in consequence of the inability of Santa Anna and the Congress to agree, to be resumed some three weeks later under circumstances far less favorable to Mexico. But meanwhile Scott had prepared a memorandum, a copy of which is

¹ *México á través de los Siglos*, IV, 670.

² Bankhead to Palmerston, June 29, 1847, No. 67; *F. O. MSS.*

³ Thornton to Trist, July 29, 1847; copy of note enclosed with Trist's official despatch No. 10 of July 31, 1847; *State Dept. MSS.*

said to have been given to Santa Anna, in which, according to Colonel Hitchcock,

"he stated that he would advance upon the capital, and would either defeat the enemy in view of the city, if they would give him battle, or he would take a strong position from the enemy, and then, if he could restrain the enthusiasm of his troops, he would halt outside the city and take measures to give those in the city an opportunity to save the capital by making a peace."¹

How closely Scott kept the promise of his memorandum will be seen hereafter.²

¹ Ethan Allen Hitchcock was lieutenant-colonel of the third (regular) infantry, and was acting as inspector-general on Scott's staff. He wrote for the newspapers in January, 1848, a carefully guarded account of the negotiations at Puebla, which, of course, represents what General Scott desired to have the public know of the affair, and from that letter the above quotation is taken. The letter will be found in Sen. Doc. 65, 30 Cong., 1 sess., 521-532.

² Rumors of Scott's secret dealings with Santa Anna seem to have become known in the city of Mexico, and to have added to the deep distrust with which the latter was regarded. For a general account of the transaction, reference may be made to Roa Bárcena, 283-288; Ripley, II, 148-163. Ripley was at this time a first lieutenant in the second regiment of artillery, and had taken part in the battle of Cerro Gordo, commanding the small detachment on the south side of the river. He also took part in the subsequent battles of the war as aid to General Pillow. His account of the negotiations between Scott and Trist, on the one hand, and Santa Anna's agents, on the other, may be regarded as representing the knowledge which Pillow got from his conversations with Scott and Trist.