

## CHAPTER XLVI

### A FUTILE ARMISTICE

SOME weeks before the battle of Churubusco Scott's secret negotiations with certain agents for the Mexican government had terminated with what he regarded as definite assurances of Santa Anna's earnest desire to conclude a peace; but these assurances had been coupled with a statement that proposals for peace could not be openly entertained until the American army had advanced close to the city of Mexico, and Scott had gone so far as to write a memorandum announcing his purpose to defeat the Mexican army in view of their own capital, and then "give those in the City an opportunity to save the capital by making a peace."

The conditions contemplated had now arisen. The Mexican positions at the Peñon, at Mexicalcingo and at the hacienda of San Antonio were in possession of the Americans. Not one but two battles had been fought "in view of the capital." Valencia's Army of the North had been either captured or dispersed, and the bloody battle of Churubusco had resulted in Santa Anna's main army being put to flight and driven in disorder through the gates of the city. When, therefore, General Mora appeared bearing written proposals to open negotiations for peace, Scott, not unnaturally, saw in this offer a fulfilment of the assurances given him at Puebla. Moreover, the visit of English diplomatic and consular officers to Scott's head-quarters the night before had probably served to confirm this belief, for British subjects had previously acted as Santa Anna's agents, and indeed it is not unlikely that Mackintosh himself may have been the chief go-between.<sup>1</sup>

<sup>1</sup> Scott's faithful Hitchcock a few days later confessed to "lurking doubts" of Mackintosh. "We know that he has advanced Santa Anna money for the

Scott, therefore, being possessed of a perfectly honest and sincere desire to end the war, was fully persuaded that Santa Anna, in offering to receive Trist, was actuated by the same honest wish for peace. It is true that Scott's ready assumption of candor and good faith on the part of his adversary did little credit to his knowledge of Santa Anna's character and history. From the date of the two treaties with the Texans in 1836 every act of Santa Anna's life showed that his promises were not to be relied upon for one single moment, and that he was ready to betray any individual or violate any pledge which stood in the path of his ambition. But Scott was too eager to be critical. Besides being the general in command of a victorious army, he was also a conspicuous candidate for the Presidency of the United States, and all his acts and hopes at this period of his career were colored and affected by his desire for political success; and it cannot be doubted that in dealing with the Mexican government he had his own personal fortunes constantly in mind, and believed they would be advanced as much or more by the early signature of a treaty of peace as they could be by any further military advantages he might gain.

Military conditions, however, were not entirely forgotten in Scott's calculations. He had thus far been astonishingly successful at Vera Cruz, at Cerro Gordo, at Contreras, and at Churubusco, but his army was weakened by disease and the casualties of battle. A few more victories such as that of Churubusco might be equivalent to the destruction of his army, and he may very well have welcomed an opportunity to escape the unavoidable risks of further attacks upon fortifications held by forces immensely superior in numbers to his own. In his autobiography he touches upon these military reasons. "If we had proceeded," he wrote, "to assault the city by daylight our loss would have been dangerously great, and if a little later in the night, the slain, on the other side,

support of his army at the very time when he was holding out hopes of peace to detain us at Puebla. His object was to gain time for Santa Anna to raise, equip, and discipline his troops and provide himself with cannon."—(Note in diary of Sept. 10, 1847. Hitchcock, 299.)

including men, women, and children, would have been frightful, because if the assailants stopped to make prisoners before occupying all the strongholds, they would soon become prisoners themselves."<sup>1</sup> The validity of these military reasons was seriously doubted by some of Scott's principal officers, but at least it may be said they were of a nature which, as Scott entertained them, were a sufficient justification for his action.

Writing to the War Department at the time to explain and defend his acts, Scott reviewed his situation and stated his motives as follows:

"After so many victories, we might, with but little additional loss, have occupied the capital the same evening. But Mr. Trist, commissioner, &c., as well as myself, had been admonished by the best friends of peace—intelligent neutrals and some American residents—against precipitation; lest, by wantonly driving away the government and others—dishonored—we might scatter the elements of peace, excite a spirit of national desperation, and thus indefinitely postpone the hope of accommodation. Deeply impressed with this danger; and remembering our mission—to conquer a peace—the army very cheerfully sacrificed to patriotism—to the great wish and want of our country—the éclat that would have followed an entrance—sword in hand—into a great capital. Willing to leave something to this republic—of no immediate value to us—on which to rest her pride, and to recover temper—I halted our victorious corps at the gates of the city (at least for a time), and have them now cantoned in the neighboring villages, where they are well sheltered and supplied with all necessaries.

"On the morning of the 21st, being about to take up battering or assaulting positions, to authorize me to summon the city to surrender, or to sign an armistice with a pledge to enter at once into negotiations for peace—a mission came out to propose a truce. Rejecting its terms, I despatched my contemplated note to President Santa Anna—omitting the summons."<sup>2</sup>

<sup>1</sup> *Autobiography*, 498. Trist, who was at this time wholly in Scott's confidence, emphasized this view, and wrote that an attack on the city was "forbidden by considerations of humanity toward 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."—(Trist to Buchanan, Aug. 22, 1847; Sen. Doc. 52, 30 Cong., 1 sess., 189. Italics in original.)

<sup>2</sup> Scott to Marcy, Aug. 28, 1847; Sen. Doc. 1, 30 Cong., 1 sess., 314. The terms proposed by Mora are said to have been a truce for twelve months!—(Hitchcock, 284.) The "intelligent neutrals" were, of course, Mackintosh and other British friends of Santa Anna. Of the American residents who advised Scott, Mr. Louis Hargous must have been one.

Scott's statement no doubt represented with accuracy some of the motives which had induced him to refrain from an immediate attack on the city; but he was not quite ingenuous. He failed to report then, or in any of his communications to his government, the secret negotiations which he had carried on at Puebla; and he also failed to mention the circumstance, which the Mexicans at least regarded as important, that no request for an armistice was made to him in writing. Whatever were the proposals for a truce which were made by Mora and which Scott says he rejected, they were verbal, and probably were made without any written instructions; the object being, of course, to enable Santa Anna to disavow Mora in case of need, and in any case to make it appear to the world that it was Scott who had asked for a suspension of hostilities and that it was Santa Anna who had graciously assented.<sup>1</sup>

Scott and Trist must have failed to see through this very simple manœuvre, which was of course intended to save the face of the Mexican President. Scott's frank and unimaginative intellect was not cast in a mould to enable him to apprehend the thoroughly Oriental ingenuity of his adversary, and Trist was too completely under the spell of Scott's far stronger character to think for himself on such an occasion. Nor had Scott a quick mind. Given time and opportunity, he could plan with a comprehensive thoroughness which was of inestimable value; but he was slow to change his plans if unforeseen conditions arose, and was not fertile in expedients to meet the unexpected. He had clearly made up his mind, before Mora's arrival in camp, as to the proper course to be pursued; and having once done so, he was entirely unable to see how greatly that visit had changed the

<sup>1</sup> There were rumors in Mexico that Santa Anna had not authorized Mora's mission at all. A letter from a volunteer who had been in Rangel's brigade at San Angel, writing to a friend the day after Churubusco, says: "Basadre, Mora y Villamil and Arrangoiz started at daybreak this morning, with orders from Pacheco, to ask Scott for 30 hours' armistice in order to bury the dead and collect the wounded. Santa Anna became very angry and said, this cursed Pacheco has made a fool of himself and compromised me." No doubt this was the story Santa Anna wished to have people believe. See "intercepted letters" printed in Sen. Doc. 65, 30 Cong., 1 sess., 445.

situation or what diplomatic advantages might be gained from the fact of Santa Anna's begging for time.

What Scott, according to his own report, had determined to do was to write to Santa Anna summoning the city, but at the same time offering, as an alternative, to sign an armistice on receiving a "pledge" to negotiate for peace. This might have been well enough on Friday night; but on Saturday morning, after the Mexican government had itself made overtures for a suspension of hostilities, much higher ground might very naturally have been taken. Scott, however, as a reply to Mora's proposals, merely weakened the document he had already prepared by omitting the demand for a surrender of the city, and in that form it was sent off to Santa Anna.

This imprudent, but highly characteristic letter which, having been composed the night before, contained no hint whatever of Mora's mission, and no reference to the written communications of Bankhead and Pacheco, ran as follows:

"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. Your excellency knows that there is with this army a commissioner on the part of the United States invested with plenary powers to that end. In order to open the way for the two republics to enter into negotiations, I desire to execute, on reasonable terms, a short armistice.

"I await with impatience until to-morrow morning for an answer to this communication; but in the meantime I will take and occupy such positions without the capital as I may consider necessary to the shelter and convenience of this army."<sup>1</sup>

Scott's apparently spontaneous expression of a wish to stop fighting was, of course, precisely what the Mexican authorities must have hoped for; and the reference to an "unnatural" war was still more to their taste. Santa Anna, therefore, at once replied through his Secretary of War, in language which, by its singularly insolent tone, was well calculated to gratify the Mexican newspapers.

<sup>1</sup> Sen. Doc. 52, 30 Cong., 1 sess., 308.

"It is certainly lamentable," wrote General Alcorta, "that a lack of consideration for the rights of the Mexican Republic should have led inevitably to the shedding of blood by the two first Republics of this American continent, and with great exactness Your Excellency has characterized this war as unnatural—not alone by reason of its motives, but likewise on account of the antecedents of the two nations whose interests and relations are so closely identified. The proposition of an armistice to put an end to this scandal, has been acceded to with pleasure (*ha sido admitida con agrado*) by His Excellency the President, Commander in chief, because it will enable those proposals for an honorable termination of the war to be listened to, which may be made by the Commissioner of the President of the United States of America.

"In consequence, His Excellency the President, Commander in chief, directs me to inform Your Excellency that he accepts your proposal to conclude an armistice, and for this purpose has appointed Brigadier Generals Ignacio Mora y Villamil and Benito Quijano, who will attend at such place and time as you may appoint."<sup>1</sup>

Before this reply was received, Scott had begun moving his army to more permanent camps in the villages south and west of the city. Worth's division was ordered to Tacubaya, Twiggs fell back to San Angel, Pillow to Mixcoac—between San Angel and Tacubaya—and Quitman remained at San Antonio. Every one of these positions might have been occupied twenty-four hours earlier, without firing a shot, before Churubusco was attacked. Scott himself established his head-quarters in the Palace of the Archbishop of Mexico on a hill above the village of Tacubaya.

Having received Santa Anna's reply, Scott on the morning of the twenty-second of August appointed Generals Quitman, Smith, and Pierce, all lawyers of experience, to be the American commissioners for negotiating an armistice, but they were given little discretion, for Scott himself drew up proposed articles which were to serve as a basis of discussion.<sup>2</sup>

At five o'clock on that same afternoon the commissioners met at the house of Mr. Mackintosh, the British consul, in Tacubaya. "We sat up the whole night," says Semmes,

<sup>1</sup> *Ibid.*, 350. The translation of this paper in the same document (page 308) is inaccurate in numerous respects.

<sup>2</sup> Sen. Doc. 65, 30 Cong., 1 sess., 543.

who acted as American secretary and interpreter, "disputing with our opponents, about the *wording* of a few articles, to the precise phraseology of which, Señor Mora, who did all the talking on the Mexican side, attached great importance." But at length the agreement was completed and ratified, with some amendments, by the commanding generals on both sides, and was published on Tuesday, the twenty-fourth of August.<sup>1</sup>

In the form finally approved, the paper provided that there should be an immediate cessation of all hostilities within thirty leagues of the capital, "for the purpose of enabling the government of Mexico to take into consideration the propositions which the Commissioner on the part of the President of the United States of America has to make." The armistice was to continue during the period of negotiations, or until forty-eight hours' notice from either party to the other. No new fortifications were to be begun; old works were not to be enlarged or strengthened; neither army was to be reinforced, nor to advance "beyond the line it at present occupies"; provisions were to be allowed to enter the city; and the American army was to be free to obtain supplies from city or country. Prisoners were to be exchanged. In places occupied by American troops, the local administration of justice as between Mexican citizens was not to be interrupted, and private property was to be respected.

Scott had thus yielded everything and had obtained nothing. He had not received a "pledge" of any kind, beyond the implied undertaking that Mexico would "take into consideration the American proposals." "I am very willing to treat with you for your first volume, which is the armistice," said Bismarck to Thiers under somewhat similar circumstances in November, 1870, "provided you can promise me volume two, which is peace";<sup>2</sup> but Scott, who was no Bis-

<sup>1</sup> *Ibid.*, 518. The Spanish text is in Sen. Doc. 52, 30 Cong., 1 sess., 352-354. It was reported (at least at Pillow's head-quarters) that Quitman was opposed to the terms of the armistice, although he ultimately signed it.—(Ripley, II, 326; Semmes, 419.)

<sup>2</sup> Rémusat, *Thiers*, 182.

marck, signed for volume one without obtaining any promise that the second volume would ever be forthcoming.

A more serious mistake was the total failure to exact material guarantees. At the suggestion of Generals Worth and Pillow, Scott had instructed his representatives to insist upon the evacuation of Chapultepec by the Mexican forces.<sup>1</sup> This demand was opposed by the representatives of Santa Anna, who argued that a surrender of Chapultepec would be humiliating to Mexican pride, would have as evil an effect as the surrender of the capital itself, and would defeat any hope of a peace.<sup>2</sup> It is evident that this reasoning was without foundation. That a total dispersal of the existing government of Mexico, such as would probably have followed an occupation of the city by Scott's army, would defeat—or at least delay—any hope of peace, was quite possible. But that the occupation of one more point in the vicinity could produce any such result was obviously absurd. On the contrary, the occupation of so conspicuous a position as Chapultepec, the American flag waving over the palace of the viceroys, must have been the strongest and most striking argument for peace.<sup>3</sup> Scott, however, seems never to have been much impressed by the importance of the suggestions made to him on this head; and therefore, when the commissioners to negotiate the armistice referred the point back to him, he instructed them not to insist on the demand, though he must have seen that Santa Anna's necessities were such that any conditions whatever would have been accepted.

Whether Scott was wise in agreeing to an armistice at this stage of his operations is a point about which opinions may

<sup>1</sup> Sen. Doc. 65, 30 Cong., 1 sess., 191-198, 543. Pillow reinforced his verbal expression of opinion by a note, urging that the surrender of Chapultepec should be insisted on "at all hazards."—(*Ibid.*, 170, 520.)

<sup>2</sup> Ripley, II, 325.

<sup>3</sup> By the terms of the armistice signed by Bismarck and Jules Favre on Jan. 28, 1871, hostilities were to cease throughout France for a fixed period of twenty-one days, during which the Government of National Defence was to summon an assembly of the French people to decide the question whether the war was to continue, or whether and under what conditions peace was to be concluded. The detached forts about Paris were to be handed over to the German army, the guns of the *enceinte* were to be dismantled, and the garrison disarmed.

very well differ. But there cannot be two opinions as to the imprudence of giving his beaten enemies the breathing space they had asked for, without receiving any promises or guarantees whatever. In a little more than a fortnight the fatal results of Scott's amiable weakness were to be strikingly disclosed.

Trist, on his part, was untroubled by any misgivings. He believed as fully as Scott in the sincerity of Santa Anna's profession of a desire for peace, and was confident, therefore, of success in the proposed negotiations. Writing on the night the terms of the armistice were under discussion, he said:

"I feel perfectly satisfied from every indication, and after two interviews with Mr. M[ackintosh] and Mr. T[hornton] that S[anta] A[nn]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."<sup>1</sup>

Two days later, however, Trist wrote again repeating his assertions as to Santa Anna, but sounding a note of warning as to the temper of Congress.

"I am happy to say," he observed, "that 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 lie in the ratification. . . . 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."<sup>2</sup>

But whatever conjectures might be formed respecting the hostility of Congress to a treaty of peace, it was evident that the first thing for Trist to do was to try to get some sort of treaty signed by Santa Anna. To this end Trist thought it essential to avoid, as far as practicable, affording the Presi-

<sup>1</sup> Trist to Buchanan, Aug. 22, 1847; *State Dept. MSS.* (Extract printed in Sen. Doc. 52, 30 Cong., 1 sess., 187-189). There is no indication as to how the blank is to be filled up.

<sup>2</sup> Same to same, Aug. 24, 1847; *ibid.* (Extract printed in Sen. Doc. 52, 30 Cong., 1 sess., 190-191.)

dent's enemies any ground for saying that the interests and honor of the nation had been sacrificed.<sup>1</sup> Trist, therefore, wrote to the Minister of Relations on the same day—the day the terms of the armistice were finally agreed to and published—requesting him to name a place and time for meeting; to which Pacheco replied that the President was then engaged in the selection of commissioners, but that they would be ready to meet Mr. Trist on Friday afternoon, the twenty-seventh of August.<sup>2</sup> The excuse for delay was truthful. The Mexican cabinet had been busy preparing for such a meeting, and were really not yet ready.

Their first step had been to try once more to induce Congress to bear some part of the responsibility for the approaching negotiations. Early on August 21—the day after Churubusco—an official letter had been sent to Señor Salonio, the President of Congress, asking that a special session should be held that same afternoon. All Mexicans, so the letter ran, were witnesses to the extraordinary exertions and intrepid valor of General Santa Anna—but victory had frowned on him, and the enemy was at the gates. Under the circumstances, "availing himself of his constitutional powers, and in conformity with the decision of the general Congress communicated on July 16 last, he has resolved to hear the propositions which Don Nicholas Trist has come to make"; and it was his desire that Congress should take its appropriate part in these highly interesting negotiations.

But Congress was not to be caught in any such trap. Many deputies, the President of Congress replied, had left the city, and although every effort had been and would be made, a quorum had not yet been obtained.<sup>3</sup> A week later the British minister wrote:

"Personal dislike and miserable party intrigues have hitherto prevailed to prevent the assembly of a sufficient number of Members to form a House. It is not impossible that General Santa Anna might

<sup>1</sup> Same despatch.

<sup>2</sup> Trist to Pacheco, Aug. 25; Pacheco to Trist, Aug. 26, 1847; Sen. Doc. 52, 30 Cong., 1 sess., 315, 316.

<sup>3</sup> Pacheco to the President of Congress; Salonio to Pacheco, Aug. 21, 1847; *ibid.*, 351.

have anticipated this, and called the Congress together as a mere formality; but the conduct of its members has given a handle to General Santa Anna, in case he should be desirous, as many suppose, of declaring himself Dictator, thus doing away altogether with the functions of Congress."<sup>1</sup>

Whether any such coup d'état was in contemplation or not, the fact remained that no quorum of Congress was obtained while the armistice continued, or for many weeks after.

The executive being thus left to assume an undivided responsibility, the next step was to appoint commissioners; and ex-President Herrera, Antonio Monjardin (a member of the Supreme Court), and Antonio Garay (a lawyer of some note) were selected. With one accord they declined the dangerous honor—Monjardin and Garay on the modest ground of being unequal to the task, and Herrera on the honest ground that he had been vilified and driven from office for merely suggesting that the American proposals might be listened to, and that consequently his presence on the commission might do more harm than good.<sup>2</sup>

Santa Anna let Monjardin and Garay go, and appointed in their places Bernardo Couto and Miguel Atristain—"lawyers of eminence," according to the British minister—who consented to serve. Herrera, on the other hand, was appealed to as a matter of patriotic duty to reconsider his determination, and did so with reluctance. And finally, the name of General Mora y Villamil was added to the list.<sup>4</sup>

On the morning of the day the commissioners were to hold their first meeting an occurrence took place which nearly wrecked the negotiations. A number of wagons, driven by unarmed teamsters, were sent into the city by Scott's quar-

<sup>1</sup> Bankhead to Palmerston, Aug. 29, 1847, No. 83; *F. O. MSS.*

<sup>2</sup> Pacheco to Herrera, Monjardin, and Garay; Herrera *et al.* to Pacheco, Aug. 25, 26, 1847; Sen. Doc. 52, 30 Cong., 1 sess., 358-360.

<sup>3</sup> Bankhead to Palmerston, Aug. 27, 1847, No. 77; *F. O. MSS.* Atristain is said to have been attorney for Manning & Marshall, Mackintosh's firm, and to have been put on the commission through Mackintosh's influence.—(*Apuntes para la Historia de la Guerra*, 269.)

<sup>4</sup> Pacheco to Herrera, Couto, Atristain, and Mora; Herrera *et al.* to Pacheco, Aug. 26, 27, 28, 1847; Sen. Doc. 52, 30 Cong., 1 sess., 361-363.

termasters—pursuant to the express terms of the armistice—to obtain supplies and to get drafts on the American Treasury exchanged for coin. Mr. Louis Hargous, an American merchant doing business in Vera Cruz and Mexico, had arranged for the money and for the purchase of the needed supplies. The wagons, at about seven in the morning, were met at the city gates by a party of some forty Mexican lancers and escorted to the great square of the city. Their appearance was the occasion for the assemblage of a large mob, who soon proceeded, to the accompaniment of cries of *Mueran los Yankees!* to attack the teamsters with sticks and stones. The lancers tried to interfere, and the cries changed to *Muera Santa Anna por traidor!* A formidable riot broke out, which ex-President Herrera and a few troops ultimately put down, but not until one teamster had been killed and several badly hurt. The Mexican government apologized, and Scott, for the time being, passed the incident over; but a night or two afterward Hargous's store was sacked, and the American army got no supplies from the city while the armistice continued.

The meeting between Trist and the Mexican commissioners was, however, duly held on the afternoon following the attack on the wagons, and the credentials on both sides were exhibited. The Mexicans, it appeared, had not been furnished with full powers—their credentials authorizing them merely to receive and transmit such propositions as Trist might present. They had also been strictly enjoined to refrain from offering any suggestion of their own in answer to anything Trist might present.<sup>1</sup> An attitude of great reserve on the part of the Mexican representatives was not unreasonable pending presentation of the American demands; and Trist showed good sense in merely pointing out the insufficiency of such powers as they had, and in delivering at once the *projet* of a treaty with which he had been furnished at Washington six months before.<sup>2</sup> By this time a week had elapsed since the battle of Churubusco.

<sup>1</sup> Pacheco to commissioners, Aug. 25, 1847; *ibid.*, 361.

<sup>2</sup> Trist to Buchanan, Aug. 29, 1847; *ibid.*, 191.