

mittee of the Senate, told Polk that without Calhoun's cooperation the measure could hardly pass, and that it had better be postponed for a few days.¹

There the matter rested until the beginning of the month of July, when, the Oregon question having been finally settled, the President had a conversation one morning with Senator Benton and handed him a copy of the proclamation which Taylor had been ordered to issue in Mexico. Benton promised, at the President's request, to submit his views in writing as to the manner of conducting the war, and a few days afterward did so. His suggestions amounted to this: that Taylor should, in the first place, intimate informally to the Mexican generals what the peaceful wishes and purposes of the American government were, and should express his readiness to forward to Washington any statements of a Mexican willingness to "negotiate for honorable peace." In the second place, Taylor was to do all he could with individuals, to induce them to wish success to the invasion; and with the separate departments, to induce them to declare their independence of the central government. Taylor at the same time was to press his military operations. "Policy and force are to be combined; and the fruits of the former will be prized as highly as those of the latter."

This characteristic effusion was adopted by the President, and inserted in a letter of inquiry to Taylor, who was very cool in his reply on the subject.² But, on reflection, the President must have seen that Benton's methods of inducing the Mexicans to negotiate could hardly be expected to promise very practical results. He therefore caused a note to be addressed directly to the Mexican Minister of Foreign Relations, again offering to send a minister to Mexico "with instructions and full powers to conclude a treaty of peace which shall adjust all the questions in dispute between the two republics."³

¹ Polk's *Diary*, I, 303-317 (March 25-April 3, 1846).

² *Ibid.*, II, 5, 16. For Taylor's reply see H. R. Doc. 60, 30 Cong., 1 sess., 336-338.

³ Buchanan to Minister of Foreign Relations, July 27, 1846; Sen. Doc. 107, 29 Cong., 2 sess., 2.

In so doing, the President was following the advice offered by Webster a month previously in a speech in the Senate.

"I would advise," he said, "if I were called on to give advice, that this Government should tender a formal solemn embassy to Mexico. The two reasons which would influence me are, in the first place, Mexico is weak and we are strong; it is a war, therefore, on her part, against great odds; and, in the next place, Mexico is a neighbor, a weak neighbor, a republic formed upon our own model, who, when she threw off the dominion of old Spain, was influenced throughout mainly by our example. . . . Nobody can wish to see her fall; but Mexico must hear the suggestions of reason. She must listen to terms of peace; this she ought to know. And if her government be not hopelessly stupid and infatuated, they must be aware that this is her true interest. Nothing can exceed, I have always thought, the obstinacy and senselessness manifested by Mexico in refusing for so many years to acknowledge the independence of Texas. . . . Mexico must be taught that it is necessary for her to treat for peace upon considerations which belong to the present state of things. We have just claims upon her, claims acknowledged by herself, in the most solemn form of treaty stipulations. She ought to make provision for those claims; in short, she must be brought to justice."¹

Buchanan's note tendering "a formal solemn embassy" was sent through Commodore Conner, then blockading Vera Cruz; but he was warned that if the Mexican government should accept the proposal, and at the same time (as was quite likely) ask for an armistice pending negotiations, the blockade must not be raised, it being the President's intention to prosecute the war with the utmost vigor until a treaty of peace was signed, and also ratified by Mexico.²

The renewed offer to Mexico to treat of peace naturally revived the notion of having ready money in hand with which to smooth the way to making a bargain, and the advice of Benton, who had for the moment become the President's great friend, was again sought. Benton read and approved Buchanan's note to the Mexican Minister of Foreign Relations; and then the President reminded him of

¹ Speech on Volunteer Force, June 24, 1846. Text in Webster's *Works*, V, 157.

² Buchanan to Conner, July 27, 1846; Sen. Doc. 107, 29 Cong., 2 sess., 3.

the secret appropriations made in Jefferson's time for the purchase of Louisiana and for the purchase of the Floridas.

"I told Col. Benton," the President recorded, "that I had but little doubt that by paying that sum in hand at the signature of a Treaty we might procure California and such a boundary as we wished, and that in the present impoverished condition of Mexico the knowledge that such a sum would be paid in hand might induce Mexico to Treat, when she might not otherwise do so. Col. Benton approved the suggestion and advised that I should see some members of the committee of Foreign affairs on the subject."¹

Within the next week the President talked with Senator McDuffie, who had recently become chairman of the Committee on Foreign Relations, and with Cass and Archer, both members of the same committee and the latter a leading Whig, and he also discussed the matter fully with his cabinet.

At the time of these conversations, the President knew nothing about the probabilities of making any treaty with Mexico except what he had been told by Atocha, and what he could infer from the notorious facts concerning conditions in California and the distress of the Mexican Treasury. He had, however, some weeks before taken measures to ascertain directly what were the views of Santa Anna upon this important point.

The messenger he employed was Commander Alexander Slidell Mackenzie, of the United States navy, a nephew of John Slidell, the minister to Mexico. Mackenzie appears to have been selected mainly because of his knowledge of the Spanish language, for his coolness and good judgment in an emergency could hardly have been relied on.²

The orders given Mackenzie relative to visiting Santa

¹ Polk's *Diary*, II, 50 (July 26, 1846).

² Mackenzie in 1842 had been the principal actor in a most unfortunate tragedy. While in command of the United States brig *Somers* on a voyage home from the west coast of Africa he discovered a project of mutiny. A midshipman and two of the crew were seized and put in irons, tried by some sort of improvised court-martial, and hanged four days before reaching the island of St. Thomas. The midshipman was Philip Spencer and happened to be a son of the Secretary of War. This fact gave the unhappy affair the greatest notoriety, and caused loud demands for Mackenzie's punishment. He was, in the spring of 1843, tried by court-martial on charges of murder and acquitted.

Anna were purely verbal, and were given to him by the President in person at a conference at which John Slidell was also present. As noted by Mackenzie on the evening of the conversation, the President stated that he desired to terminate hostilities speedily; that in order to attain this object he would be glad to see the military despotism of Paredes overthrown and replaced by a government more in harmony with the wishes and true interests of the Mexican people; and that he believed Santa Anna was the man who best united the high qualifications necessary to establish such a government. The President said he believed Santa Anna could not desire the prolongation of a disastrous war, and for this reason orders had been already given to the blockading squadron to allow him to return freely to his country. If Santa Anna, on his return to power, would announce his readiness to treat for peace, the President would consent to the suspension of active hostilities by land, and would send a minister to Mexico to settle all existing difficulties on liberal terms. In making such a treaty the President proposed to ask Mexico to cede, "for an ample consideration in ready money," parts of her northern territory; and he considered this would be to the advantage of Mexico by restoring her finances, consolidating her government and institutions, building up her power and prosperity, and protecting her against future encroachments, thus contributing to the greatness and happiness both of Mexico and the United States.

Mackenzie reached Havana on the evening of July 5, 1846, and called next day to see Santa Anna, who invited him to return early the following morning. On July 7 he called accordingly, and remained with the illustrious exile for three hours. The conversation began by Mackenzie's reading and translating the memorandum he had made of the President's instructions. Santa Anna expressed his thanks for the order that had been given to permit him to return to Mexico, talked of the kindness shown him by President Jackson and Mr. Forsyth in 1837, and stated that his intentions, if he should again be restored to power,

were "to govern in the interest of the masses instead of parties, and classes." "Among the measures of reform," says Mackenzie, "which he contemplated, was reducing the wealth and power of the clergy, and the establishment of free trade."

They then discussed a possible permanent boundary-line, which, Mackenzie said, ought to start from a given point on the Rio Grande and thence run west to the Pacific, so as to take in at least the port of San Francisco, in California. Mackenzie went on to say that the United States would retain, from what they had already conquered, so much as would be deemed sufficient to give them a permanent boundary, but they meant to pay liberally for whatever might be retained.

During the conversation Santa Anna drew up a memorandum, which he permitted Mackenzie to copy, and which (in an English translation) was embodied in the latter's report as follows:

"Senor Santa Ana says: that he deplores the situation of his country; that being in power, he would not hesitate to make concessions rather than to see Mexico ruled by a foreign prince, which the monarchists are endeavoring to introduce; that being restored to his country, he would enter into negotiations to arrange a peace by means of a treaty of limits; that he especially prefers a friendly arrangement to the ravages of war which must be calamitous for his country: that although the republicans of Mexico labour to recall him and place him at the head of the government, they are opposed by the monarchists, headed by Paredes and Bravo: That he desires that republican principles should triumph in Mexico, and that an entirely liberal constitution should be established there; and this is now his programme: That if the government of the United States shall promote his patriotic desires, he offers to respond with such a peace as has been described. He desires that the mediation of England and France may not be accepted; and that every effort should be directed towards promoting his return to power in Mexico, by protecting the Republican party. To attain this object he considers it necessary that General Taylor's army should advance to the city of Saltillo, which is a good military position, compelling General Paredes to fight as he considers his overthrow easy: and this being effected General Taylor may advance to San Louis Potosi, which movement will compel Mexicans of all parties to recall Santa Ana.

"General Santa Ana also desires that the greatest secrecy be observed concerning these communications, and that they be only communicated by the bearer as far as may be necessary, since his countrymen not appreciating his benevolent intentions to free them from war and other evils might form a doubtful opinion of his patriotism. That all the American cruisers should be directed under the strictest injunctions of secrecy not to impede his return to Mexico. He likewise enjoins that the people of the towns occupied by the American army should not be maltreated, lest their hatred should be excited. He considers it important to attack Ulloa, and judges that it would be best first to take the city, whose walls are not strong: the disembarkation of three or four thousand men would effect it easily. He considers important the occupation of Tampico, and wonders that it has not been effected, since it might be so easily done. The climate is healthy in October and continues so until March. Finally he desires that his good reputation may be protected by the newspapers of the United States, and that they represent him as the Mexican who best understands the interests of his country, and as the republican who will never compromise with the monarchists, nor ever be in favor of foreign and European intervention. He says that it will be well not to blockade the ports of Yuchatan, as he counts upon that state, being in communication with its authorities; and perhaps he will transfer himself to that point, if circumstances prove favourable."

Mackenzie added that he thought these military suggestions so important that he purposed to go at once to Taylor and impart them to him.¹

The confidential report of this extraordinary conversation, which Santa Anna so naturally thought might lead his countrymen to misjudge his benevolent intentions, reached Washington on August 3, 1846. It does not appear to have ever been placed upon the regular files of the State Department, and it was carefully preserved from the knowledge of Congress. Indeed, Polk was very angry with Mackenzie for having read to Santa Anna what purported to be a message from the President; but he did not in his diary deny the correctness of the memorandum of the conversation (of which he himself had made no note at the time),

¹ The full report of July 7, 1846, is printed in Reeves, *American Diplomacy under Tyler and Polk*, 299-307. Mackenzie did visit Taylor, with whom he had a long private interview, about July 20; and then went back to Washington.—(Meade, I, 116.)

although he thought that if it were published it would exhibit him "in a ridiculous attitude."¹

Santa Anna later on denied Mackenzie's statements. He had had, he admitted, one conversation with the American consul, who called with an interpreter some time after the battles of Palo Alto and Resaca; but he had refused to talk with him except through Almonte as interpreter. Almonte, he asserted, had been present at the whole interview, and would testify that, in reply to a question as to what course Santa Anna would take if he returned to Mexico and was again made President, the latter had said that in case that honor was done him he would loyally sustain the cause of his native land, whatever might be the result of the struggle.² If, therefore, Santa Anna was to be believed, no such conversation as that related by Mackenzie ever took place. But Mackenzie, whatever his faults, was a man of honor, and it can hardly be supposed that he invented the interview which he reported so much in detail. At any rate, his report was accepted as true by the American administration.

On the very next day after receiving Mackenzie's report President Polk sent a confidential message to the Senate, urging their consideration of the project, which he had already discussed with various senators, to appropriate a sum of money to be paid down to Mexico upon the signature of a treaty. He had been, he said, anxious to avoid war; he deemed it his duty once more "to extend the olive-branch to Mexico"; the chief difficulty to be anticipated in any negotiation would lie in the adjustment of a boundary, and if Mexico was willing to cede a part of her territory, the United States ought to be willing to pay a fair price for it. But Mexico might not be willing to wait for payment of the whole purchase-money till the treaty was ratified by the Senate and an appropriation was made by Congress. It might therefore be necessary to advance a part of the

¹ Polk's *Diary*, III, 291 (January 8, 1848).

² *Apelacion al buen Criterio*, etc., 18.

consideration at once, the disbursement, if made, to be accounted for at the Treasury not as secret service money, but like other expenditures. Two precedents existed—the acts of Congress of February 26, 1803, and February 13, 1806, passed during Jefferson's administration, one to enable the President to obtain Louisiana, the other to obtain the Floridas. If the Senate in executive session approved, then an act (which should not on its face express its real purpose) might be passed making the appropriation. Not a word was said of either Atocha or Mackenzie.

A secret debate over the President's message continued in the Senate for two days, and after various amendments had been voted down a resolution was adopted, by a vote of 33 to 19, expressing the opinion that it would be advisable for Congress to appropriate a sum of money to enable the President to conclude a treaty with Mexico, to be used by him only in the event that the treaty should call for the expenditure of the money.

The next step was to get a bill passed by both houses making the appropriation. The President thought the Senate resolutions ought to be sufficient warrant for the passage of such a bill, but the Whigs refused to support it in either house unless the President publicly asked for the money, and Polk decided to yield. On the morning of Saturday, the eighth of August, an open message was therefore sent to the Senate and House of Representatives, in which the subject was presented in general terms, but in nearly the same language as that used in the confidential message sent to the Senate in the early part of the week. All reference to the diplomatic correspondence which had been sent to the Senate was omitted. The sum of two million dollars was named.

A joint resolution to adjourn at noon on Monday, the tenth of August, had already been adopted, so that extremely prompt action was essential if the President's recommendations were to be carried into effect at that session of Congress, and on the Saturday morning a short bill was introduced appropriating two million dollars "for the purpose of

defraying any extraordinary expenses which may be incurred in the intercourse between the United States and foreign nations." The matter having been immediately considered in Committee of the Whole, a motion was made and carried in the House that all debate should terminate in two hours.

The bill was at once attacked upon the ground that it was indefinite, and that the sum appropriated might be used for any purpose whatever relating to foreign nations. Robert C. Winthrop, of Massachusetts, said that he inferred that the President intended to call upon Congress to sanction a new and indefinite acquisition of Southern territory; and such an acquisition Winthrop opposed, as he objected to extending the slave-holding territory of the Union. The next speaker after Winthrop was David Wilmot, of Pennsylvania, an inconspicuous member of the House, who, as he himself said, had strongly supported the policy of Texan annexation during the presidential campaign of 1844, and was regarded as a regular supporter of the administration. He had no objection, he declared, to the acquisition of fresh territory provided it was done on proper conditions. On the contrary, he was most earnestly desirous that a portion of the territory on the Pacific, including the Bay of San Francisco, should come into our possession by fair and honorable means. But whatever territory might be acquired, he was opposed to the extension of slavery. If free territory came in, God forbid that he should be the means of placing this institution upon it! He therefore offered as an amendment to the bill the following addition:

*"Provided, That, as an express and fundamental condition of the acquisition of any territory from the Republic of Mexico by the United States, by virtue of any treaty which may be negotiated between them, and to the use by the Executive of the moneys herein appropriated, neither slavery nor involuntary servitude shall ever exist in any part of said territory, except for crime, whereof the party shall first be duly convicted."*¹

¹ The authorship of this justly celebrated proposal, which summed up in a few words the policy to which the people of the Northern states were becoming more and more definitely committed, has been disputed. There is evidence to show that the proviso was really drawn by Jacob Brinkerhoff, a

Wilmot was followed by Washington Hunt, a Whig of New York, who declared himself opposed to the addition of any more territory to the Union except on the terms proposed by Wilmot. John Quincy Adams followed Hunt, and very unexpectedly declared that if the bill were amended so as to specify that the money was to be used for negotiating peace with Mexico, he would vote for it even without the adoption of the Wilmot proviso, although he approved of Wilmot's object with his whole heart. He desired peace, and if territory belonging to Mexico were acquired by the United States, slavery would not come with it, because slavery had been abolished in Mexico and could not be introduced except it were provided for in the treaty itself. He was delighted that it was the desire of the President to make peace, and in that he most heartily concurred. "I would give two millions, and two millions added to that, and I do not know how much more, if it were necessary, to carry into effect his purpose of making peace."

The bill was thereupon amended to meet Adams's suggestion of making it expressly apply to a treaty of peace with the republic of Mexico. The vote next came up on the Wilmot proviso, which was adopted by 83 to 64, and the bill in that form was passed by a vote of 85 to 79, a number of Northern Democrats voting with the Whigs in its favor.

On the Monday morning the House bill was taken up in the Senate, and Lewis, of Alabama, moved to strike out the Wilmot proviso. Davis, of Massachusetts, an anti-slavery Whig, opposed the motion to strike out, and, although warned that but twenty minutes remained before final adjournment, continued talking until the hour arrived for the close of the session and it was known that the House of Representatives had adjourned.

"The adjournment," says Adams, "was fixed at noon for the convenience of members, many of whom departed in the railway cars for

Democratic member of the House from Ohio, and that Brinkerhoff refrained from offering it because he had voted against the annexation of Texas. Wilmot, on the contrary, had always been "regular." See Garrison's *Westward Extension*, 255 *et seq.*