

The government of Mexico was now finally brought face to face with the question of what answer was to be made to the American proposals. The subject had, of course, been previously discussed. On the day the agreement for an armistice was ratified, and without any accurate knowledge of what the United States would demand, Pacheco had submitted to the cabinet a statement of the bases on which he thought peace might properly be concluded.¹ This paper, which was approved and signed by President Santa Anna and his four ministers, was chiefly interesting as a monument of the folly of its author. With the American troops encamped at the gates of the city and in possession of the better part of the republic, with the Mexican armies broken and dispersed as the result of an uninterrupted succession of defeats, Pacheco could actually propose as the fundamental basis of discussion that the negotiations must proceed as if Mexico had triumphed and could continue to wage war with success. It is unnecessary to consider the details of this absurd document, which was never communicated to Trist, and which Santa Anna probably accepted as something that could conveniently be given to the newspapers in case the negotiations should fail.

As soon as the real American terms were received, Pacheco drew up another paper, in the form of instructions for the commissioners. He began by directing them to ask Trist for answers to three questions: What are the motives and objects of the war? Are the demands of the United States founded on the right of conquest, or are they put forward as a basis for friendly negotiation? Is Texas to remain in the hands of the United States as the result of annexation, or by virtue of purchase from Mexico? If Trist declined to answer, his refusal was to be noted.

Pacheco then turned to the terms of peace. Mexico would give up Texas, but the boundary must begin at the Nueces River. The United States must release Mexico from all pecuniary claims, and, in addition, must pay for

¹ "Puntos que deberán tratarse en las conferencias con el comisionado de los Estados Unidos, y que deberán servir de bases á los de México"—(*Ibid.*, 355.)

Texas a sum equal to one-half the amount which was fixed by American laws as the price of public lands. The Californias and New Mexico were not to be ceded; but as a last resort the Mexican commissioners might consent to the establishment of an American "factory" at San Francisco. The right of transit over the Isthmus of Tehuantepec must be refused. Goods introduced into Mexico through ports occupied by the American forces must pay duties to Mexico, even though they had already paid duties to the United States. All American troops must be withdrawn the moment the treaty was signed, without waiting for ratification by Congress; and the United States must restore all fortifications with their artillery, in as good condition as when taken. And finally (though this was not to be considered a *sine quâ non*) the United States ought to pay the expenses of a war "which Mexico found itself forced to make and which it did not provoke." This paper also was approved by the President and his cabinet on Sunday, the twenty-ninth of August.

That Santa Anna should have permitted such instructions to be given to his agents is surprising. To have insisted upon them was evidently equivalent to the immediate breaking off of negotiations before the Mexican army had had time to gain all the benefits of the armistice, but it is possible that Santa Anna intended not to insist on these terms; and, as it turned out, the instructions were practically abandoned before the negotiations were resumed.¹

The Mexican commissioners, on Monday, August 30, were furnished with full powers, and were also given copies of the "instructions" of August 29 and the "bases" of August 24. The result was their immediate resignation. "We think it our duty," they wrote, "to state at once to the Supreme Government, with the frankness of honorable men, that it is impossible for us to take charge of the negotiation upon the said bases and instructions." Santa Anna being by no

¹ "Instrucciones . . . acordadas en junta de ministros de 29 de Agosto, 1847, en vista de las proposiciones hechas por el comisionado de los Estados Unidos."—(*Ibid.*, 369-371.)

means ready to abandon the negotiation, and thus terminate the armistice, thereupon directed Pacheco to cancel the orders to the commissioners; and they were notified that the instructions given them were only to be followed as far as might prove possible, and that the plenipotentiaries might adopt "such modifications as the circumstances of the nation call for, with any concessions for which the discussion itself may open the door."¹

Thus freed from the trammels of Pacheco's impossible requirements, Herrera and his colleagues took up in earnest, and with apparent sincerity, the work intrusted to them. On Wednesday, the first, and again on Thursday, the second of September, they had what Trist called a "very unreserved" conversation, which turned mainly on questions of boundary. The chief stumbling block was not California, as might perhaps have been expected, but New Mexico, though the old question of the Nueces River was also debated. For a short time a solution seemed within reach. Trist offered to abandon Lower California and the right of transit over the Isthmus of Tehuantepec, if New Mexico and Upper California were ceded for a pecuniary consideration, and he also offered to submit the question of the Nueces to the American government. The Mexican plenipotentiaries agreed to submit this offer to their own government; and Trist promised that, if it proved acceptable, he would also propose to Scott a continuance of the armistice until a reply could be received from Washington in regard to the Nueces question—a period he estimated at about six weeks.²

Trist, however, was not called on to submit these terms to Washington, for Santa Anna finally decided to reject them himself.³ On Monday afternoon, the sixth of September,

¹ Herrera, Couto, Atristain, and Mora to Pacheco; Pacheco to Herrera, *et al.* Aug. 31, 1847; *ibid.*, 372, 373.

² Trist to Buchanan, Sept. 4; Herrera *et al.* to Pacheco, Sept. 7, 1847; *ibid.*, 195, 383. Among other questions discussed was that of excluding slavery from any ceded territory—a suggestion which Trist (according to his own report) dismissed with extravagant emphasis. As the United States Senate was then constituted, the thing was evidently impossible.

³ This decision is said to have followed a series of conferences in the palace, where the best opinion favored accepting the American terms.—(*Puntos para la Historia de la Guerra*, 278.)

the plenipotentiaries again met, and Trist was handed a counter-project of a treaty, together with an explanatory note, in which the cession of New Mexico was definitely refused, but an offer was made to grant so much of Upper California as lay north of latitude 37°; thus conveying San Francisco and the Sacramento valley to the United States, and retaining Monterey and Los Angeles and San Diego as a part of Mexico. The note also contained the naive suggestion that Great Britain should be asked to guarantee the observance of the treaty.

"The peace between the two countries," said the Mexican commissioners, "will be more solidly established, if a friendly power (England), which has so nobly offered its good offices to Mexico and the United States in the present contest, will now consent to grant its guarantee for the faithful performance of the treaty which may be concluded. The Government of Mexico considers that it would be very proper to solicit such a guarantee."¹

Trist had no option under his instructions, as he had fully explained at the previous conferences. He therefore stated the moment the Mexican note was read, that the terms were inadmissible, and that he considered the negotiations at an end,² and both parties accepted the fact that the peremptory refusal of the Mexican government to cede New Mexico and the southern half of Upper California terminated all discussion.

By the express language of the agreement of August 23 the armistice came to an end with the close of negotiations, but Scott, for some strange reason of his own, preferred to terminate it on other grounds. He therefore, in an unlucky hour, composed a letter to Santa Anna, dated the day after

¹ Herrera *et al.* to Trist, Sept. 6, 1847; Sen. Doc. 52, 30 Cong., 1 sess., 378. The counter-project was drawn by Pacheco, who sent it to the Mexican commissioners with a note, in which he accurately summed up his position thus: "In New Mexico, and the few leagues which divide the right bank of the Nueces from the left bank of the Bravo, is contained either peace or war. If the commissioner of the United States leaves nothing else to the government of Mexico than to choose between this cession and death, in vain was he sent by his government."—(Pacheco to Herrera *et al.* Sept. 5, 1847; *ibid.*, 373.)

² Roa Bárcena, 402.

the last meeting of the negotiators, in which he asserted that the terms of the armistice had been repeatedly violated by Mexico, first in failing to allow the American troops to obtain supplies in the city, and second in erecting new fortifications. Unless complete satisfaction was forthcoming by noon on the following day, he would consider the armistice at an end.¹

These complaints were very likely well founded; but it was entirely unnecessary, and therefore unwise, to raise an issue as to the good faith of the Mexican government. The armistice might have been terminated on the sufficient and indisputable ground that the peace negotiations were at an end; so that the only result of making insulting charges was to give General Santa Anna an opportunity to show once more his dialectic superiority to General Scott. It was not true, Santa Anna wrote, that the Mexican government had impeded the furnishing of supplies. On the contrary, it had done everything to facilitate the American agents. It was also false that any new work of fortification had been begun by the Mexicans. They, rather, had on their side numberless causes of complaint—the establishment by the Americans of a masked battery in Tacubaya, “the violation of temples consecrated to the worship of God,” the robbery of sacred vessels from the churches, the profanation of venerated images, the sacking of towns. Not without grief and even indignation had he received such news. He had been deeply affected by the complaints by fathers and husbands of violence offered to their daughters and wives. Nevertheless he had remained silent that he might not embarrass a negotiation which offered some hopes of putting an end to a scandalous war, “which Your Excellency has, with so much justice, described as unnatural.”

“I am quite aware,” he continued, “that the true, the unconcealable cause of the threats of renewed hostilities which Your Excellency’s note contains, is that I would not lend myself to sign a treaty which not only would considerably diminish the territory of the republic, but would also affect that dignity and honor which all nations defend

¹ Scott to Santa Anna, Sept. 6, 1847; Sen. Doc. 52, 30 Cong., 1 sess., 346.

at every hazard. And if these considerations have not the like weight in Your Excellency’s breast, yours will be the responsibility before the world, which readily discovers on whose side lie moderation and justice.

“I flatter myself that Your Excellency on calm reflection will become convinced that these reasons are well founded. But if unfortunately you shall seek nothing else than a pretext for depriving the first city of the American continent of any means of preserving the defenceless part of its population from the horrors of war, then no other mode of saving it will be left me, than to repel force by force with that decision and energy which my high obligations prescribe.”¹

With these brave words—which he did not omit to give to the newspapers—Santa Anna finally threw away the scabbard and declared in favor of the *lutte à outrance*. Had he been in favor of it all along? Had his consent to negotiate been a pretence to enable him to gain two or three weeks’ rest? Or had he really been desirous of peace?

The United States government took the view that the armistice and the subsequent negotiations were a mere sham, a part of a contemptible comedy, designed by the Mexicans as a means of strengthening their fortifications and recruiting their forces. But observers on the spot were of a different opinion.

“I must not omit to say,” Trist reported, “in justice to Santa Anna, that I am perfectly convinced that no man was ever more sincere in anything than he was in his wish to make peace, or more firmly resolved than he was to go to 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 he been the purest of patriots, he could not have displayed more single-mindedness than he recently has, or striven with more energy and efficiency against the numberless difficulties of all sorts which whelmed him in.”²

And a few weeks later Trist returned to the subject, asserting that up to the very afternoon of Sunday, the fifth of September, Santa Anna was resolved to accept the American terms of peace, but had been persuaded by Tornel to

¹ Santa Anna to Scott, Sept. 6, 1847; *ibid.*, 381.

² Trist to Buchanan, Sept. 27, 1847; *ibid.*, 203.

change his mind.¹ Trist, of course, was not an impartial witness, for he was defending his own cause and that of Scott; but the British minister concurred with him.

"I am of opinion," Bankhead reported to the Foreign Office, "that General Santa Anna was sincerely desirous of concluding a peace with the United States; but he was overruled on a late occasion by two persons who laboured for the sake of personal interests and ambition to overthrow the President's good intentions; the persons I allude to are General Tornel and Señor Pacheco.

"The former of these gentlemen may truly be called the evil genius of Mexico, for in every case where revolution is to be aided and pernicious advice given, without the risk of personal danger, General Tornel has been preeminent. It was he who advocated carrying on the war with the United States; it was his counsel which determined General Paredes to cross the Rio Bravo to attack General Taylor and all the misfortunes that have happened lately in this neighbourhood are to be set down to the same adviser. . . .

"Señor Pacheco, the late Minister for Foreign Affairs, instilled the same insane advice into the ears of the late President, and although a man of inferior talent to General Tornel, he was enabled to work upon the mind of General Santa Anna, when any uncertainty existed with the latter as to the expediency of General Tornel's advice."²

No one could ever be sure of what was in Santa Anna's mind at any given moment, but on the whole it seems likely that when he concluded the armistice, he had no settled policy in respect to peace. He desperately needed a few days' respite, and for that he would have paid any price. The appointment of commissioners to negotiate a treaty committed him to nothing, and was, therefore, cheap enough for what he was getting. When it came to the point of accepting or rejecting the American ultimatum, Santa Anna probably wavered and for some hours may have been inclined to yield. The effect of his acts upon his own personal fortunes must have been the one problem that perplexed his mind. If he should assent to a treaty of peace, could he continue at the head of the government? Or would the revolution which was certain to follow prove too

¹ Same to same, Dec. 6, 1847; *ibid.*, 249.

² Bankhead to Palmerston, Sept. 28, 1847, No. 87; *F. O. MSS.*

much for him? The answers to these questions must have seemed dubious; but ultimately, on the advice of Tornel, Pacheco, Rejón,¹ and others, he decided to continue the war. In other words, he concluded that he must certainly be turned out of office if he consented to a peace; and he therefore decided to accept the desperate chances of continued war. And the fact that Santa Anna was driven to staking his fortunes on the wild hope that victory might yet be won by the Mexican armies shows how dangerous and difficult the path of peace must then have appeared to the most experienced politician on the spot.

The news of the battles of Contreras and Churubusco and the following armistice reached Washington on Tuesday, the fourteenth of September. Next day the President, with Trist's despatch of August 29 before him, noted his fear that Scott had made a mistake and that "the armistice was agreed to by the Mexican commander only to gain time to reorganize his defeated army for further resistance," and the President added: "I shall wait very anxiously for further information from the army."² But seventeen days elapsed before any definite news reached the anxious officials at Washington, and then it came only in the shape of the little pamphlet published by the Mexican government, immediately after the armistice was terminated, which contained the official correspondence.³ A copy had reached Vera Cruz and had been forwarded by the American officer in command of that town.

The President had for several days been ill of a remittent fever, but when the facts in relation to Trist's negotiations were laid before him he mustered strength enough to direct that Trist be recalled and to order that Scott should henceforward "levy contributions on the enemy, and make them

¹ See correspondence between Rejón and Santa Anna, printed in Semmes, 414-416.

² Polk's *Diary*, III, 172.

³ *Contestaciones habidas entre el Supremo Gobierno Mexicano, el General-en-Cefe del Ejército Americano, y el Comisionado de los Estados Unidos.* Reprinted (with translation) in Sen. Doc. 52, 30 Cong., 1 sess., 349-384.

as far as practicable defray the expenses of the war." His reasons he stated thus:

"Mexico has refused to treat for peace upon terms which the U. S. can accept; and it is now manifest that the war must be prosecuted with increased forces and increased energy. We must levy contributions and quarter on the enemy. This is part of the object of the letter to Gen'l Scott. Mr. Trist is recalled because his remaining longer with the army could not, probably, accomplish the objects of his mission, and because his remaining longer might, & probably would, impress the Mexican Government with the belief that the U. S. were so anxious for peace that they would ultimately conclude one upon the Mexican terms. Mexico must now sue for peace, & when she does we will hear her propositions."¹

These were the conclusions reached after a three hours' cabinet discussion, at the close of which the President naturally found himself "much exhausted & fatigued."

The formal instructions to Scott and Trist both bore the date of Wednesday, October 6, 1847, the day after the cabinet meeting. In the despatch to Scott reference was made to unofficial reports of the operations of the army down to August 20 and since (no official despatches having been received of a date later than June 4), and a compliment was paid to Scott for the "signal victories obtained by you and the gallant army under your command." The terms of peace proposed by Mexico were characterized as "extravagant and inadmissible," and a copy of the instructions to Trist on this subject was enclosed.

"It is quite evident," continued the Secretary of War, "that the authorities of Mexico would not present and insist upon, as a basis for peace, terms which could not be entertained for a moment by us without national dishonor, were they not encouraged to continue the war by that portion of the population, as well as others, upon which the burdens of the war ought to fall, and upon which, in the further prosecution of it, they must be made to fall, as the only means now left of bringing it to a close."

For these reasons, guerilla warfare must be sternly suppressed; "the burden of sustaining our forces in Mexico"

¹ Polk's *Diary*, III, 186.

must be levied on the people of the country; the city of Mexico must be taken and held, and the road to Vera Cruz kept securely open; and as reinforcements arrived, the area occupied by Scott's army must be extended.

"Left as you are to your own judgment as to your military operations," the despatch continued, "the fullest confidence is entertained that you will conduct them in the most effective way to bring about the main and ultimate object of the war: namely, to induce the rulers and people of Mexico to desire and consent to such terms of peace as we have a right to ask and expect."¹

The instructions to Trist were drawn on similar lines. The counter-project of the Mexican commissioners was described as a most extraordinary document, the extravagance of which conclusively proved that the Mexican government was insincere and that their only intention was to gain time.

"They must have known that the United States would never surrender either the territory between the Nueces and the Rio Grande, or New Mexico, or any part 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 duty to the United States."

Trist's original instructions, the Secretary of State continued, had been framed in the spirit of forbearance and moderation; for it had been hoped that after the fall of Vera Cruz the Mexican government would have been willing to treat for peace, as New Mexico, the Californias, several of the northern states, and most of the seaports, were then in the possession of the United States. But circumstances since the original instructions were written had entirely changed. A vast amount of treasure and "the lives of a great number of our most valuable citizens" had been expended. Nevertheless the President, desirous of showing great magnanimity, had left the terms unaltered, and—as now appeared—with most unsatisfactory results.

¹ Marcy to Scott, Oct. 6, 1847; Sen. Doc. 52, 30 Cong., 1 sess., 138-140.