

CHAPTER LI

THE CONCLUSION OF PEACE

PRESIDENT POLK was kept pretty accurately informed of the progress of the treaty through the Senate, and some days before the final vote he learned that it would probably be ratified with amendments. But what view the Mexican Congress might take of the amendments thus grafted upon the treaty was a matter upon which the American administration had no means of information, and which gave much concern to the President and still more to his Secretary of State. Buchanan, who a few days before had been contending that the treaty was not sufficiently favorable to the United States, now became alarmed lest it might be lost; and it is evident that there was reasonable ground for anxiety upon this head. Nobody in Washington could feel sure that the changes in the phraseology of the articles of the treaty which related to such matters, for example, as the free exercise of religion or the protection of the property of religious corporations, might not prove sufficient to turn the majority of the Mexican Congress against ratification, and a failure of the treaty would have been deeply mortifying to the American administration. Probably most people would not have stopped to apportion the blame, or to reflect that all changes in phraseology were the work of the Senate and not of the President and his advisers; but they would unquestionably have looked with impatience and indignation at the prolongation of a war of which every one was tired.

The President therefore thought it important to send the treaty to Mexico by the hands of an American commissioner, who could explain the situation clearly and persuade the

Mexicans to accept the modifications made by the Senate. After consulting the cabinet at its regular meeting on Tuesday, the seventh of March, he decided to intrust the commission to Louis McLane, of Baltimore, who had retired not quite two years before from the position of minister to England. McLane's long diplomatic experience and other commendable qualities seemed to make him eminently qualified for the duty; but he was no longer young and he evidently feared the fatigues of the journey. The ill-health of his wife was made an excuse for declining the appointment.

After much perplexity the President on Saturday, the eleventh of March—the day after the Senate had advised ratification—again discussed the subject with his cabinet, and reached the decision to invite Senator Sevier, of Arkansas, to undertake the mission. Sevier was chairman of the Senate Committee on Foreign Relations, and at first refused, on several obvious grounds; but the President insisted, and after a day's reflection Sevier consented to go. His nomination was sent in to the Senate on the following Tuesday, with that of Robert M. Walsh, of Pennsylvania—a gentleman who had served as secretary of the legation in Brazil and was understood to read and write both French and Spanish—as secretary of the commission. Both were confirmed on the same day; and in the meantime a copy of the treaty as amended by the Senate was sent to General Butler in Mexico, with a statement that the letter would be followed by “a commissioner invested with Plenipotentiary Powers” in the course of a few days.¹

The instructions to Sevier were dated just a week after the President had invited him to go to Mexico. They began by explaining that his whole duty would consist “in using every honorable effort to obtain from the Mexican government a ratification of the treaty in the form in which it has been ratified by the Senate; and this with the least practicable delay.” He was advised to perform this duty as much as possible by personal conferences, and to avoid diplomatic notes which might lead to endless discussions and indefinite

¹ Polk's *Diary*, III, 368-382.

delay; and he was furnished with an outline of the arguments which might safely be employed to prove the advantages to Mexico of a prompt ending of the war. Buchanan again reverted to the idea of "taking the full measure of indemnity into our own hands," which he had induced the President to embody in his annual message, and which had been the subject of much adverse comment in Congress.

"Should the war be renewed," Buchanan wrote in the instructions to Sevier, "instead of purchasing at a fair price a portion of the territories which we have been obliged to conquer and which are now in our undisturbed possession, and restoring the remainder to Mexico, we shall be compelled to appropriate, without pecuniary compensation, a just and ample indemnity in Mexican territory for all the expenses of the war."¹

At the same time a note was addressed to the Minister of Foreign Relations of the Mexican republic, in which the action of the Senate was explained and each of the seven amendments made by it was taken up in turn and discussed. The view was expressed that none of the amendments was of such a character that the Mexican government should have any difficulty in agreeing to them. The tone of the note was extremely conciliatory.

"It affords me," said Buchanan, "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 from the treaty by the Senate. In all these important features it remains substantially as it was when it came from the hands of the negotiators."²

¹ Buchanan to Sevier, March 18, 1848; H. R. Doc. 50, 30 Cong., 2 sess., 47-52.

² Buchanan to Minister of Foreign Relations, March 18, 1848; *ibid.*, 42. The draft of this despatch was read at a cabinet meeting held on Tuesday, March 14, and for the next two days there was constant discussion among the members of the administration as to the form of the document and the instructions to be given to Sevier. See Polk's *Diary*, III, 383-388.

These papers had been drafted and every precaution seemed to have been taken to propitiate or persuade the Mexican Congress, when the President learned on the Friday afternoon that Sevier was seriously ill, so much so that his physician had refused to permit any one to visit him. His immediate departure was obviously out of the question. After consulting Buchanan it was agreed that, in view of the danger that the Mexican government might refuse to accept the Senate's amendments, another appointment must be made at once. "It was a case of emergency, and no time was to be lost," was the President's conclusion; and he and Buchanan concurred in thinking that Nathan Clifford, the Attorney-General, was the fittest person for the post. Clifford agreed to go if the President thought it necessary for the public service, and Sevier, whose condition was improved the next morning, and who was consulted by Buchanan, likewise approved. Accordingly the President on Saturday, the eighteenth of March, nominated Clifford as associate commissioner, to act separately, or jointly with Sevier, in case the latter should so far recover as to be able to follow and join him in Mexico. The nomination was confirmed at once, and that same night Clifford and Walsh set off for Mexico.¹ Clifford was handed the instructions which had been prepared for Sevier, and was directed to act in all particulars as if these instructions had been formally addressed to Sevier and himself jointly.² He reached the city of Mexico on the eleventh of April.

Three days after Clifford left Washington the New York *Herald*, by one of those pieces of "enterprise" which have done so much to discredit American journalism, published the text of the treaty, together with a part of the confidential correspondence sent by the President to the Senate. The President, who had what R. L. Stevenson pleasantly describes as the Scottish trait of valuing a secret for itself and for the congenial exercise of keeping it, was extremely indignant; but there was really good reason to fear lest this

¹ *Ibid.*, III, 389-392.

² Buchanan to Clifford, March 18, 1848; H. R. Doc. 50, 30 Cong., 2 sess., 52.

publication, if reprinted in Mexico, might prejudice the chances of ratification. The Senate also professed indignation and instituted an inquiry by a committee as to the source whence the *Herald* obtained its information. Nugent, the newspaper correspondent, being brought before the committee, completely exonerated the State Department, but refused further information. He was arrested and committed to the custody of the sergeant-at-arms, and there, as usual in such cases, the matter ended.¹

Two days after the publication in the New York *Herald* Senator Sevier had so far recovered from his illness that he was able to start for Mexico, and, travelling rapidly, he arrived at the capital on the fifteenth of April, only four days after Clifford.

During the period of a little more than two months which had then elapsed since the signature of the treaty of Guadalupe Hidalgo, political conditions in Mexico had remained practically unchanged. The command of the American army had been turned over by Scott to Butler; Santa Anna had finally determined to cease from troubling, and had applied to the government for a passport to enable him to leave the country; a formal armistice had been adopted and signed; and the Mexican Congress was still without a quorum. These were facts easily learned by the commissioners; but what the temper of the Mexican Congress might prove to be when it did meet was a matter about which it was difficult for them to gain any satisfactory assurances.

Opinion in Mexico was evidently much divided upon the subject of peace with the United States; but people in general had very little knowledge as to what the terms agreed upon actually were. The negotiations had been conducted with the greatest possible secrecy, so that it was not until two or three days after they were concluded that the Mexican newspapers began to announce that a treaty of some sort had been signed, although they were quite unable to state its terms. But on the sixth of February the government had thought it wise to make an official statement. On that

¹ Polk's *Diary*, III, 398-414, *passim*.

day the Minister of Relations sent a circular to the governors of the several states informing them of the bare fact of the signing of the treaty of Guadalupe Hidalgo, and stating that he would give them complete information as soon as the treaty should have received the sanction of Congress. For the most part the replies of the governors were simple acknowledgments of receipt, although some expressed their regret that any treaty with the United States should have been made, and that its text should not have been made known.¹

Why the government persisted in a policy of secrecy is hard to see, but they probably believed that so long as discussion was confined to the broad general question of peace, on the one hand, or a continued state of war, on the other, the result was more likely to be favorable than if the details of the adjustment were to become the subject of newspaper debate.

The well-informed British legation was unable to form any opinion as to the probable action of Congress, though the British diplomatic and consular representatives in Mexico were eager to see the negotiation in which they had been so deeply concerned carried to a successful conclusion. Writing in the middle of February, the British chargé d'affaires said that the signature of the treaty had created a very great sensation throughout Mexico.

"The Puro or Radical party," he continued, "who have been intriguing underhand a good deal with the American Authorities, were taken very much by surprize and have been thrown into dismay and are trying and will continue to try to the utmost in their power to prevent ratification. One of the doctrines they have been preaching has been the annexation of this country to the United States, as the only means to prevent its falling into a complete state of anarchy, and they were the real authors of the late attempt at San Luis Potosí to get up a Revolution against the General Government, but which has fortunately entirely failed. I am in great hopes that the Government will be able to carry through the Ratification of the Treaty, unless indeed they mismanage the matter very much."²

¹ Roa Bárcena, *Invasion Norte-Americana*, 619.

² Doyle to Palmerston, Feb. 13, 1848, No. 18; *F. O. MSS.*

The extraordinary notion of attempting to prevent anarchy by encouraging mutiny could hardly have occurred to any one outside of Mexico; but a still more remarkable state of feeling was revealed by the opposition of well-to-do Mexicans to the evacuation of their country by the invaders. Doyle in the despatch just quoted refers as follows to this attitude:

"The moment is looked forward to with dismay when the American Forces shall leave this Country, by such as have property to lose. They all fear when that moment arrives, Revolution upon Revolution will be attempted, especially as each military leader will now endeavour to get hold of as much of the money as he can, which is to be paid as indemnity for the territory ceded to the United States. . . . During the late negotiations, on several occasions, the Mexican Commissioners have spoken to me in this sense, and I am certain this feeling on their part retarded much the conclusion of the Treaty."

So strong indeed was the desire to have Mexico remain under American rule that proposals were actually made to Scott to have him issue a pronunciamiento and declare himself dictator after the ratification of the treaty of peace. This amazing plan contemplated the organization of an army of Americans, to be recruited from the men discharged at the close of the war, which Scott thought "would suffice to hold the republic in tranquillity and prosperity. . . . Being already in possession of the principal forts, arsenals, foundrys, mines, ports of entry and cities, with nearly all the arms of the country, it was not doubted that a very general acquiescence would soon have followed." Scott states that he "ultimately" declined the overtures made to him, although "highly seductive both as to power and fortune."¹ The same feeling of dismay at the prospect of a renewal of the troubles of the past thirty years of native Mexican rule, served also to strengthen the small Royalist party throughout the country; and if a more capable man than Paredes had been at the head of that movement it might have succeeded—unless indeed the government of the United States had interposed its veto.

¹ Scott's *Autobiography*, 581-582.

But as Congress could not yet be brought together, the first duty of the government after signing the treaty of peace was to conclude a formal armistice with the American commander. The treaty had provided in its second article that a convention should be entered into forthwith for "a provisional suspension of hostilities," in order that, in the places occupied by the American forces, "constitutional order may be re-established, as regards the political, administrative, and judicial branches, so far as these shall be permitted by the circumstances of military occupation"; but for several days the Mexican President delayed the appointment of commissioners to settle the terms of the armistice, and it was not until the seventeenth of February that Generals Mora and Quijano arrived at the city of Mexico and called upon Scott.

Scott being fully aware of Trist's disobedience of orders and lack of power to conclude any treaty, and being therefore doubtful of the attitude of the administration toward it, and having also received intimations of his own recall, felt some embarrassment. If he was to be superseded he wished his successor to take the responsibility of so far recognizing the treaty as to agree to an armistice.¹ But this embarrassment was short-lived, for on the next day after Mora and Quijano had called on him Scott received orders relieving him from the command of the army, so that the duty of dealing with the question of an armistice necessarily devolved on General Butler. Butler, who felt sure of President Polk's support, did not hesitate to act, and appointed Generals Worth and Smith as the American representatives; but although the negotiation should have been a simple matter, and was evidently of the greatest importance to the Mexican government, the business dragged along until the twenty-ninth of the month.

It was difficult for American and English observers to understand why so much time should be consumed.

"This extraordinary apathy in the present critical situation of this country," wrote the British chargé d'affaires, "seems unaccountable

¹ Hitchcock, 319.

to the Americans, who are precisely the contrary of the Mexicans, and General Butler, from not knowing their character, cannot, I perceive, entirely divest himself of the idea of there being some want of good faith in such conduct. I am not of that opinion, as I know how really anxious they are for the conclusion of the peace, but, I am sorry to say, I perceive that severe as the lesson has been which the Mexicans have received, they do not appear to have much profited by it. The same system of putting off every thing is continued. Every body complains of the Government, and nobody comes forward to assist in its difficulties. Every body is alarmed for fear of compromising themselves,—(that one word 'compromiso,' which is always in the mouth of a Mexican, has been the source of the greater part of the evils of this country); and as yet every thing tends to shew that unless some entirely unforeseen event should take place, this country will fall into a complete state of anarchy whenever the Americans leave it."¹

After the agreement was signed another eight days elapsed before the ratification was returned from Querétaro, but finally the armistice went into effect, five weeks after the signature of the treaty. It provided for a general suspension of hostilities throughout the whole of the republic—the troops on each side to remain in the position which they then occupied. With a view to re-establishing constitutional order it was agreed that in all places occupied by the American forces Mexican citizens should be free to exercise their political rights and to elect officials and representatives as provided by existing law. At the time of an election in any city or place occupied by American troops, the military commander was to withdraw the whole of his forces from such city during the hours fixed for the election, leaving only sufficient guards for the quarters, magazines, hospitals, and lodgings of the troops; and no person belonging to the American army was to interrupt or intervene in any manner in such elections. With certain specified exceptions (particularly duties on imports) the Mexican authorities were to collect taxes; public offices were to be turned over to the local authorities; the civil courts were to be freely opened; the military or civil tribunals established in Mexico by American

¹ Doyle to Palmerston, March 14, 1848, No. 29; *F. O. MSS.*

authority were only to take jurisdiction in cases where some person connected with the American army was concerned; and in the city of Mexico and elsewhere a Mexican police force was to be organized.

Most important of all for the Mexican government was the sixteenth clause of the agreement, which provided that either or both of the contracting parties should be bound to disperse any reunion of armed men who might collect in any place within the republic of Mexico with the view to committing unauthorized hostilities, and that the carrying out of this obligation should not be considered as a breach of the armistice.¹ These provisions virtually conferred upon General Butler the power to put down all attempts at revolution in any part of Mexico, and must have proved of immense potential value in strengthening the position of the Querétaro government. Two small attempts at San Luis Potosí and Zacatecas were put down without American assistance, and other threatened risings at Oaxaca and Guadalajara were likewise suppressed without the least difficulty.

Meanwhile constant discussion as to the policy of making peace went on in the public press, but the opposition to ratifying the treaty found little support. Men like Rejón contended that Trist had no authority to represent the United States; that the treaty would merely postpone further losses of territory; that neither the executive nor legislative branch of the government had any power to alienate territory; and that the government, even if it had such power, should have ceded the territory to European powers.² The absurdity of the last suggestion needed no refutation, but as to the question of the powers and duties of the government the Mexican commissioners who negotiated the treaty made a spirited reply. The treaty, they said, represented, no doubt, a great misfortune, but none of its stipulations involved dishonor or disgrace, and none imposed a perpetual burden upon the country. Within the territory

¹ The full Spanish text of the agreement is in *Dublan y Lozano*, V, 345-348.

² *Roa Bárcena*, 615.

that remained to Mexico the independence of the nation continued to be absolute and complete, and it would be just as well able to adopt a purely Mexican policy as it had been at the time of acquiring its independence.

"The loss of territory to which we have agreed, was compulsory and inevitable when it came to adjusting the terms of peace. Agreements of this nature are really formed in the course of a campaign, as battles are won or lost: and the negotiators do no more than to reduce to written forms the final results of a war. It was in the war, and not in the treaty, that the territory which now remains in the possession of the enemy was lost. The present treaty does not merely prevent an increase of our losses by a continuance of the war; but it serves to recover the better part of that which was already under the control of the conquering arms of the United States: it is more exactly an agreement of recovery than an agreement of cession."

As to the power of the authorities of the nation to cede its territory, the commissioners contended that no express authority in the Constitution was necessary to the validity of such a treaty, and that a national sacrifice of that kind might well become essential to save the very life of the nation, just as the amputation of a limb might be essential to save the life of a man.

"These," they said, "are the conclusions of enlightened reason; they are inspired by common sense; and they have been adopted by all nations on similar occasions, whatever may have been their political organization or their constitutional laws."¹

In addition to arguments of this nature the stern pressure of facts was constantly operating to strengthen the position of the government and to encourage approval of the treaty. The financial condition of the government, so long as the custom-houses remained in the possession of the Americans, was bound to continue almost desperate; while the assurance of receiving three million dollars the moment the treaty was ratified, was an enormously strong argument with the party actually in power and with all who preferred

¹ *Ibid.*, 615-617. This "Exposición" was the work of D. Bernardo Couto, one of the commissioners.

a settled government to a condition of anarchy. And finally the news which arrived from time to time of the unsuccessful efforts to drive out American garrisons from the ports on both sides of the Gulf of California, as well as the reports of Sterling Price's advance through the state of Chihuahua and his defeat of General Trias, were reminders of what would inevitably happen upon a larger scale if the treaty were *not* ratified.

A matter which was considered extremely important was the action of the people of New Mexico. In the autumn of 1847 Sterling Price, as military governor of the territory, summoned a legislative assembly, which was thereupon elected, and convened at Santa Fe on December 6, 1847. This assembly passed, among others, an act calling for a convention of delegates to organize a territorial government, which was approved and published by General Price on February 5, 1848, and was based, of course, upon the assumption that New Mexico was to become and remain a part of the United States. The news reached the city of Mexico early in March, evidently in a confused form.

"The State of New Mexico," wrote Doyle, the British chargé d'affaires, "which was by the Treaty to have become United States property, has annexed itself by a Majority of ten votes out of thirteen to that Country. This is a most fortunate circumstance for this Government, as the opposition were determined to raise a cry that what is here called the 'Preciosa Sangre Mejicana' had been sold to the enemies; but the New Mexicans have saved them that trouble by annexing themselves of their own accord. The Mexican commissioners who Negotiated the Treaty of Peace, congratulate themselves on not having to defend that part of their Treaty and they now express themselves with great confidence as to its ratification."¹

One fact, however, of the greatest importance in any consideration of the treaty, was as yet unknown. About a week before the treaty was signed, gold in paying quantities had been discovered on the south fork of the American River, some forty miles from Sutter's Fort. On account of the distance, the wretched means of communication, and

¹ Doyle to Palmerston, March 14, 1848, No. 29; *F. O. MSS.*