

Sutter's efforts to keep the discovery a secret, the fact was unknown in Mexico until certainly the latter part of August, 1848. In that month Lieutenant Beale, a young officer of the United States' navy, who had gone out with Stockton in the *Congress* and had displayed extraordinary gallantry and endurance in performing shore duty in California, passed through the city of Mexico on his way home from Mazatlan. He had been sent by Commodore Jones, commanding the Pacific squadron, with despatches which announced the discoveries, and he also carried with him specimens of the gold which were exhibited in September in New York.¹ But neither in Washington nor in Mexico was there any hint in the spring of 1848 of the epoch-making fact of gold in California.

Such, then, was the condition of affairs when the American commissioners to secure ratification of the treaty arrived in Mexico. Writing from Vera Cruz on the day of his arrival, Clifford informed the State Department that the opinions of the most intelligent persons he had met "would authorize the belief that there is every disposition in the Mexican government to ratify the treaty without delay."² From Mexico he wrote ten days later that the prevailing opinion was that the treaty would be ratified soon after the meeting of Congress, and that the amendments to the treaty as published in the New York *Herald* had been reproduced in the newspapers of Mexico and appeared not to have excited the least opposition.³

By this time preparations were in progress for getting Congress together. Elections for members had been held under a presidential decree of March 24, 1848, and the legislatures of the several states had cast their votes for Presi-

¹ Gold is said to have been found as early as 1820 in California, but not in paying quantities.—(Bancroft, *California*, II, 417.) Bancroft gives detailed accounts of the great discovery by Marshall on Sutter's mill race in January, 1848, and of the rush to the mines which followed in May and June.—(*California*, VI, 32-96.) Official despatches (some of which Beale carried) are printed in H. R. Doc. 1, 30 Cong., 2 sess., 53-64. As to Beale's exploits and journey through Mexico, see Stephen Bonsal, *Edward Fitzgerald Beale*, 5-46.

² Clifford to Buchanan, April 2, 1848; H. R. Doc. 50, 30 Cong., 2 sess., 54.

³ Same to same, April 12, 1848; *ibid.*, 55.

dent. It was known that a majority were in favor of General Herrera.

At length, on the third of May, a quorum was assembled at Querétaro for the transaction of business; but the American commissioners, Clifford and Sevier, still remained in the city of Mexico. They had written officially announcing their arrival and expressing their desire to go to Querétaro to present their credentials, but their going had been delayed by an unwillingness on the part of the Mexicans to permit an American military escort; and finally the commissioners were unofficially informed through General Mora that it would be better they should not go to Querétaro until the time came for exchanging ratifications.¹

At the opening of the Mexican Congress, the President's message dealt chiefly with the question of the ratification of the treaty. He expressed himself as convinced that the cession of territory was less than might have been expected, and he quoted President Polk's message of December 6, 1847, as showing that any treaty with the United States was utterly out of the question if it did not provide for the cession of the territories of California and New Mexico. In other respects he believed that the treaty was highly satisfactory and would be so regarded when submitted to the judgment of the national representatives of public opinion and to the verdict of foreign nations.

"The armistice which followed the negotiation of the treaty, and the immediate re-establishment of constitutional order in all its branches; the ample guarantees secured to Mexican citizens who, either holding that character or that of American citizens, should reside in the territories ceded; the suppression of the Indian tribes which should make incursions upon our frontier; the indemnity of fifteen millions of dollars, and the payment to be made by the government of the United States for claims liquidated and pending against the republic; the solemn promise to assuage, if at any time there shall be occasion, the calamities of war, as well as to respect the well known rights of humanity and of society; and finally, the closing stipulation

¹ See correspondence on this point in H. R. Doc. 50, 30 Cong., 2 sess., 57-61. The Mexican government was evidently anxious to avoid any appearance of acting under the direct influence of the American representatives.

that the dividing line established by the fifth article shall never be changed except by the full consent of both republics, expressed through their general governments in conformity with their respective constitutions; these considerations give to the negotiation all the dignity as well as all the security that could be demanded in this class of transactions."

On the other hand, the President expressed his regret that modifications should have been proposed by the Senate of the United States; but he considered that these amendments were not of such importance as to call for a rejection of the treaty, as he was satisfied that no negotiation could be concluded upon a basis more favorable to the republic of Mexico.

"It is no vain fear," he continued, "much less an unfavorable estimate of the moral and physical strength of the Mexican people, which compels me to decide in favor of peace. Nothing could be more unfounded. I have lived long enough to witness the heroic efforts which the nation made to sustain an unequal contest of eleven years, and at last achieve its independence. In the same civil war, I was able to observe the resources and elements of that people which acts with valor and energy. In the foreign war we have just witnessed, though in but few engagements, witness the courage and firmness of our soldiers, when commanded by chiefs of honor, and in whom they had confidence; and we have all remarked that the war would have had altogether a different result had the army and the national guards been properly organized. I have never believed, neither do I now believe, that the republic is absolutely incapable of continuing the war, and affording an example which might be transmitted with glory to posterity. But with the same frankness and good faith, I must say that I am convinced that the condition in which we are, with all its attendant circumstances, imperiously calls for peace."¹

A few days later the treaty and the papers accompanying it were submitted to Congress accompanied by detailed verbal explanations from General Anaya, then Minister of War, in regard to the condition of the army and the impossibility of effectually continuing hostilities if the treaty were rejected. He was followed by Rosa, the Minister of Relations, who was also in charge of the Treasury, and who dis-

¹ *Message of the Provisional President of the Republic, D. Manuel de la Peña y Peña, &c.* (translation); *ibid.*, 62-72. The translation is evidently very awkward, but doubtless literally accurate.

cussed the financial situation of the country and the causes which had determined the government to conclude a peace, and explained the treaty provisions; and thereupon the treaty was submitted to the Committees on Foreign Relations of the two houses.

On May 13, 1848, the Committee on Foreign Relations of the Chamber of Deputies presented its report in favor of ratification. Nine members in the house spoke against the treaty and six in favor of it, besides the Minister of Relations, and the report of the committee was approved on May 19, 1848, by a vote of 51 to 35.¹

It was known that the Senate contained an overwhelming majority in favor of ratification, and therefore, as soon as the Chamber of Deputies had voted, the Minister of Relations wrote to Clifford and Sevier that they could come to Querétaro whenever they liked and present their credentials to the President. The American commissioners, upon receiving Rosa's intimation, set out for Querétaro.² They reached their destination at about five o'clock in the afternoon of May 25 and found the city "in a great state of exultation; fireworks going off, and bands of music parading in every direction."³ The cause of this popular rejoicing was the fact that the Senate had that afternoon, about an hour before Clifford and Sevier arrived, voted for ratification by 33 to 4.⁴

It would seem, however, that the satisfaction in the city was not quite so universal as this statement might make it appear. According to Lieutenant Wise, of the United States navy, who was in Querétaro before and after the arrival of the American commissioners, the people in the streets threw

¹ Roa Bárcena, 623; *Apuntes para la Historia de la Guerra*, 394, where the names of the deputies voting for and against ratification are given.

² Rosa to Sevier and Clifford, May 19, 1848; H. R. Doc. 50, 30 Cong., 2 sess., 73. Sevier and Clifford to Buchanan (two despatches Nos. 8 and 9), May 21, 1848; *ibid.*, 73.

³ Same to same, May 25, 1848; *ibid.*, 74.

⁴ The names of the four senators voting against ratification are given in *Apuntes para la Historia de la Guerra*, 395. Extracts from the report of the Senate committee, which was drawn by D. José Fernando Ramírez, will be found in Roa Bárcena, 624-626.

stones at the commissioners' carriages and cries of *Viva la guerra! Abajo la paz!* were heard in every direction. There was, however, no actual outbreak.¹

The next few days were devoted to official visits and receptions, of which Lieutenant Wise gives an entertaining account. He thus describes the principal Mexican officials:

"The President Peña y Peña pleased me more than his advisers, having a mild, benignant expression, and evidently appeared worn down with care and anxiety. Anaya was a tall, bony person, with high cheek-bones—denoting his Indian origin—and a stolid striped face. Rosa, the Secretary of War, was short of stature, of swarthy complexion, with full, dark, intelligent eyes. But of all the public characters, who held office under the Mexican government, whom I had the opportunity of seeing, there was none who struck me so forcibly as one of the deputies—Señor Couto."²

There was some delay in exchanging ratifications which, according to the same author, was due to the fact that Herrera was unwilling to take office until after the treaty was signed, and Peña's ministry was unwilling to go out until they could be sure of getting the three million dollars to be paid on the exchange of ratifications into their own hands; and there was also some discussion in regard to the American cavalry and artillery returning to the United States by land.³ If any such reasons existed, they were not reported by Sevier and Clifford.

The Mexican government also insisted upon a formal explanation in regard to the meaning and effect of the amendments to the treaty made by the United States Senate. These explanations were embodied in a protocol which was dated May 26, 1848, and which ends with the words:

"And these explanations having been accepted by the Minister of Foreign Affairs of the Mexican republic, he declared, in the name of his Government, that with the understanding conveyed by them the

¹ Wise, *Los Gringos*, 267.

² *Ibid.*, 269. Couto, who had been one of the Mexican commissioners who framed the treaty, was always spoken of by Americans and Englishmen in terms of the highest respect. Rosa was Secretary of Relations—not War.

³ *Ibid.*, 273.

same Government would proceed to ratify the treaty of Guadalupe, as modified by the Senate and Government of the U. States."¹

At last, on May 30, 1848, the ratifications were duly exchanged, and the American commissioners returned to the city of Mexico for the purpose of paying over the three million dollars according to the stipulations of the treaty and to arrange with General Butler for the retirement of the American troops.²

On the same day that the ratifications were exchanged, the Mexican Congress declared that General Herrera had been duly elected President of the Mexican republic;³ on the next day the election of Señor Peña y Peña as president of the Supreme Court of Justice was likewise proclaimed; and on the third of June Herrera was inaugurated, after having twice expressed an unwillingness to assume the duties of the Presidency.⁴ A few days afterward the business of Congress was completed, and it adjourned to meet again in the city of Mexico in the following July.⁵ Herrera meanwhile had appointed a new set of ministers, and he and they took up their residence on the eighth of June in the village of Mixcoac, close to the capital, where they remained awaiting the evacuation of the city by the American troops.⁶

The arrangements for the withdrawal of Butler's army had been for some time in progress in anticipation of the ratification of the treaty, and the march to the sea was soon begun. By the morning of June 12 Worth's division, which was the last to leave, was drawn up in front of the palace; the American flag, saluted by both American and Mexican batteries, was hauled down; the Mexican tricolor was hoisted with similar salutes; and by nine o'clock in the

¹ *Treaties and Conventions Concluded between the United States of America and Other Powers* (Edition, 1910); Dublan y Lozano, V, 379-380. The effect of this protocol was the subject of subsequent diplomatic correspondence which extended over a considerable time.

² Sevier and Clifford to Buchanan, May 30, 1848; H. R. Doc. 50, 30 Cong., 2 sess., 75.

³ Dublan y Lozano, V, 380.

⁴ Law of June 6, 1848; *ibid.*, 381.

⁵ *México á través de los Siglos*, IV, 711.

⁶ *Ibid.*, 381.

morning the capital was evacuated without popular disturbance—the necessary police arrangements having been carefully made by the Americans in consultation with the Mexican authorities. On July 30 the city of Vera Cruz and the castle of San Juan de Ulúa were delivered over to the Mexicans, and at almost the same time Tampico was likewise evacuated.

But though the capital remained quiet disturbances occurred elsewhere. Before the American troops were out of the country a Royalist pronunciamiento was issued by the priest Padre Jarauta—who had been the most efficient leader of the guerilleros in the states of Vera Cruz and Puebla—in which the chief ground put forward for destroying the government was that it had “betrayed the nation.” The movement was really under the leadership of ex-President Paredes. It met with some success at first in the states of Jalisco and Guanajuato, but the government acted with unusual promptitude; Jarauta was taken and shot on July 18, near the city of Guanajuato; Paredes escaped and fled the country, probably with the connivance of the government; and for some months longer Mexico was at peace.

The subsequent liberation of the territory and the appointment of Clifford as minister plenipotentiary and envoy extraordinary, marked the final and complete resumption of friendly relations between the United States and Mexico—relations which have now continued unbroken for close upon two-thirds of a century.

It has not been the purpose of this work to pass moral judgments upon the conduct of those whose actions have been described, but rather to endeavor to state the relevant facts and allow these to speak for themselves. But so much has been written in regard to the conduct of the United States toward Mexico, that it appears desirable to call attention once more to two assertions which have been per-

sistently reiterated, and which have very little foundation in fact.

In the first place, it has been said that the annexation of Texas to the United States was due to a conspiracy, formed at least ten or fifteen years before annexation was complete, the object of which was to extend the area of slavery so as to include the whole of that undeveloped territory. The evidence, however, is quite clear that the first occupation of Texas by settlers from the United States was due to circumstances with which the leaders of public opinion in the South had nothing to do, and that prior to the defeat of the Mexican army by the Texans at San Jacinto there was no combined or organized movement on the part of any political faction in the United States to encourage annexation. The movement for annexation, when it began, began in Texas itself; and it was carried through, not by the South, but rather by the people of the whole Mississippi valley. There was at all times a strong minority in the South, and especially in the south Atlantic states, which was opposed to the annexation of Texas for the very good reason that it was feared the effect of annexation would be to increase the fast-growing Northern sentiment against slavery.

It has also been frequently asserted that the war was forced upon Mexico for the purpose of acquiring additional slave territory. So far as this relates to Texas, the accusation is evidently untrue. Texas had been invited by the United States to enter the Union more than a year before the war broke out, and its formal acceptance of the invitation was given ten months prior to the commencement of hostilities. In a sense the war may indeed be regarded as a war of conquest; for although the executive of the United States steadily denied this accusation, and asserted that it was prosecuted solely in order to obtain payment for debts due to the United States and for injuries done its citizens, the fact remains that it had always been the intention of the administration to obtain such payment by a cession of territory belonging to the Mexican republic. But that territory was not Texas. It was New Mexico and California—especially

California. Andrew Jackson as President, and Van Buren and Webster as Secretaries of State, had made efforts to obtain the cession of at least a part of California, and expansion on the Pacific coast was foremost in the minds of President Polk and his associates in their whole conduct of the war. Polk, however, asserted, and no doubt believed, that slavery would never exist in New Mexico or California, and in this opinion Calhoun expressed his concurrence.

Whatever may be thought of the abstract morality of a war begun for the purpose of acquiring territory, it is certain that the practice of civilized nations prior to the middle of the nineteenth century was not opposed to it; and there were many circumstances which rendered the conquest of California relatively justifiable. Its owners and inhabitants had utterly failed to develop the natural resources of the country, and every justification which could attend the settlement by European nations of countries inhabited by uncivilized races, or which could be offered to excuse the expansion of the United States over Indian territory, would in principle apply to the conquest of California by the United States.

More than that, the conduct of the United States in regard to California was supported by an exact precedent. The acquisition of the Floridas from Spain had been sought for upon grounds precisely similar, namely, the indebtedness of Spain to the United States for outrages committed upon American citizens, her inability to pay money, the "derelict" condition of the country in question, and the urgent desire of the United States for expansion. The only material difference between the two cases was that the Floridas were necessarily slave territory, while there was no such necessity in the case of California. The fact that Spain was prudent enough to yield to the threats of the United States is, strictly speaking, immaterial; for it cannot be doubted that the United States would sooner or later have found occasion for going to war with Spain and taking the Floridas, if Spain had not consented to enter into the treaty of 1819. Mexico, on the other hand, refused to yield to

forces which every one else saw were irresistible, and she persisted in a hopeless and disastrous effort to retain territories which she was wholly unable either to develop or to protect.