

CHAPTER XXXV.

SUPPRESSION OF OUTLAWS—PEACE COMMISSIONER—TREATY
SIGNED—MEXICAN OVERTURES—COURT OF INQUIRY.

A CENSURE of Mr. Jay, on my conduct at Vera Cruz, is noticed above, at page 428. Another occurs in his book (*Review of the Mexican War*), page 207. Considering the gravity of his character, this censure also demands a passing notice.

Some three months after entering the capital of Mexico I issued an order declaring:

"The highways used, or about to be used, by the American troops, being still infested in many parts by those atrocious bands called *guerillas* or *rancheros*, who, under instructions from the late Mexican authorities, continue to violate every rule of warfare observed

by civilized nations, it has become necessary to announce to all the views and instructions of general headquarters on the subject." And it was added: "No quarter will be given to known murderers or robbers, whether guerillas or rancheros, and whether serving under [obsolete] commissions or not. Offenders of this character, accidentally falling into the hands of American troops [that is, without knowing their character], will be momentarily held as prisoners, that is, not put to death without due solemnity," meaning (and it was so prescribed) a trial by a council of three officers. This order Mr. Jay denounces as harsh or cruel.

Now in charity, Mr. Jay must be supposed to have been ignorant of what was universally known in Mexico, that the outlaws, denounced in the order, never made a prisoner, but invariably put to death every accidental American straggler, wounded or sick man, that fell into their hands—whether he was left by accident, in hospital or in charge of a Mexican family. And Mr. Jay, no doubt, must have known that it is a universal right of war, not to give quarter to an enemy that puts to death all who fall into his hands.

Some time before the date of that order, Mr. Trist,

our peace commissioner, long my guest, reopened negotiations at the instance of the Mexican Government, in the hope of terminating hostilities; but early in the negotiations he was recalled. I encouraged him, nevertheless, to finish the good work he had begun. The Mexican commissioners, knowing of the recall, hesitated. On application, I encouraged them also, giving it as my confident belief that any treaty Mr. Trist might sign would be duly ratified at Washington.

Mr. Trist approached me at Jalapa under circumstances quite adverse to harmony. We had known each other very slightly at Washington, with, from accident, evident feelings of mutual dislike. With his arrival I received the most reliable information from Washington, that his well-known prejudice against me had had much weight in his appointment; and I remembered that, on taking leave of the President, he told me he intended or hoped to send to reside at headquarters with me, the very eminent statesman, Silas Wright, as peace commissioner, with an associate—leaving me half at liberty to believe, I might, myself, be the other commissioner. What could have been more natural? Writing to the Secretary of War on this subject, May 20, 1847, from Jalapa, I said:

“The Hon. Mr. Benton has publicly declared, that if the law had passed making him General-in-Chief of the United States armies in Mexico, either as lieutenant-general or as junior major-general over seniors, the power would have been given him not only of agreeing to an armistice (which would, of course, have appertained to his position), but the much higher one of concluding a treaty of peace; and it will be remembered also, that in my letter to Major-General Taylor, dated June 12, 1846, written at your instance [etc.], his power to agree to an armistice was merely adverted to in order to place upon it certain limitations. I understand your letter to me of the 14th ultimo, as not only taking from me, the commander of an army, under the most critical circumstances, all voice or advice in agreeing to a truce with the enemy, but as an attempt to place me under the military command of Mr. Trist; for you tell me that ‘should he make known to you in writing, that the contingency had occurred in consequence of which the President is willing that further active military operations should cease, you will regard such notice as a direction from the President to suspend them until further orders from this Department.’ That is, I am required to respect the judgment of Mr. Trist, here, on

passing events, purely *military*, as the judgment of the President, who is some two thousand miles off!

"I suppose this to be the second attempt of the kind ever made to dishonor a General-in-Chief in the field before or since the time of the French Convention. That other instance occurred in your absence from Washington in June, 1845, when Mr. Bancroft, Acting Secretary of War, instructed General Taylor in certain matters to obey the orders of Mr. Donaldson, *Chargé d'Affaires* in Texas; and you may remember the letter I wrote to General Taylor, with the permission of both Mr. Bancroft and yourself, to correct that blunder."

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"Whenever it may please the President to instruct me directly, or through any authorized channel, to propose or to agree to an armistice with the enemy, on the happening of any given contingency, or to do any other military act, I shall most promptly and cheerfully obey him; but I entreat to be spared the personal dishonor of being again required to obey the orders of the chief clerk of the State Department."

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"To Mr. Trist as a functionary of my Government, I have caused to be shown since his arrival here every proper attention. I sent the chief quartermaster and an aide-de-camp to show him the rooms I had ordered for him. I have caused him to be tendered a sentinel to be placed, etc. I shall, from time to time, send him word of my personal movements, and shall continue to show him all other attentions necessary to the discharge of any diplomatic function with which he may be entrusted."

The coolness between Mr. Trist and myself was much aggravated by accident. He fell ill at Vera Cruz, and was obliged to take much morphine to save life. Hence the offensive tone of certain letters. He several times relapsed. At Puebla, he was again dangerously ill, and I placed him under the special care of his and my friend, General Persifer F. Smith, at whose instance I visited his charge. My sympathy became deeply interested in his recovery, when he became my guest for more than six months. I never had a more amiable, quiet, or gentlemanly companion. He was highly respected by the Mexican authorities, and foreign diplomats residing in Mexico. The United

States could not have had a better representative. I am sorry to add that, poor and retaining all his good habits and talents, he has been strangely neglected by his Government up to this moment.

In occupying the capital and other cities, strict orders were given that no officer or man should be billeted, without consent, upon any inhabitant; that troops should only be quartered in the established barracks and such other public buildings as had been used for that purpose by the Mexican Government. Under this limitation, several large convents or monasteries, with but a few monks each, furnished ample quarters for many Americans, and, in every instance, the parties lived together in the most friendly manner, as was attested by the mutual tears shed by many, at the separation. Good order, or the protection of religion, persons, property, and industry were coextensive with the American rule. The highways, also, were comparatively freed from those old pests, robbers, or (the same thing) *rancheros*, who pillage, murder (often) all within their power, including their own priests. Everything consumed or used by our troops was as regularly paid for as if they had been at home. Hence Mexicans had never before known equal prosperity; for even the

spirit of revolution, the chronic disease of the country, had been cured for the time.

Intelligent Mexicans, and, indeed, the great body of the people, felt and acknowledged the happy change. Hence, as soon as it was known that a treaty had been signed, political overtures from certain leaders were made to the General-in-Chief.

Of course, it was generally understood that, on the ratification of peace, about seven tenths of the whole rank and file of our regulars and all volunteers would stand, *ipso facto*, discharged from their enlistments, and also that all officers are always at liberty to resign their commissions after the execution of the last order. With the addition of ten or twenty *per centum* to the American pay, it would certainly have been easy to organize in Mexico an army of select American officers and men, say of fifteen thousand (to be kept up to that figure by recruits from home), to serve as a nucleus, which, with an equal native force, would suffice to hold the Republic in tranquillity and prosperity, under a new Government. The plan contemplated a *pronunciamiento*, in which Scott should declare himself dictator of the Republic for a term of six or four years,—to give time to politicians and agitators to recover pacific

habits, and to learn to govern themselves. Being already in possession of the principal forts, arsenals, founderies, 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.

The plan was ultimately declined by Scott, though, to him, highly seductive both as to power and fortune, on two grounds: 1. It was required that he should pledge himself to slide, if possible, the Republic of Mexico into the Republic of the United States, which he deemed a measure, if successful, fraught with extreme peril to the free institutions of his country, and, 2. Because, although Scott had, in his official Report, No. 41 (December 25, 1847, page 560, above), suggested the question of annexation, President Polk's Government carefully withheld its wishes from him thereon.

The following sums of money came into the hands of the General-in-Chief in Mexico. About \$12,000 captured at Cerro Gordo; \$150,000 levied at the capital, in lieu of pillage; \$50,000 (nearly) produced by the sale of captured Government tobacco, and two or three smaller sums for licenses, etc.,—making a total of about \$220,000. The following disposition was

made of this fund. A little more than \$63,000 for extra blankets and shoes, distributed gratis among the rank and file; a considerable amount given to wounded men (\$10 each) on leaving hospital; about \$118,000 remitted to Washington to constitute a basis for an Army Asylum—for disabled men, not officers, and the remainder turned over, with the command, to Major-General Butler.

The treaty of peace was signed, February 2, 1848, and, in time, duly ratified at Washington, as I had in advance assured the Mexican authorities that it would be. On the 18th of the same month I received the President's instructions to turn over the command of the army in Mexico to Major-General William O. Butler (which I instantly did, in complimentary terms), and to submit myself to a court of inquiry—and such a court!—Towson, Cushing, and Belknap!*—on its arrival at Mexico. The same mail brought orders restoring (from arrests) the three factious officers—Major-

* Brevet Brigadier-General Towson, president of the court, was duly brevetted a major-general, and Colonel Belknap brevetted a brigadier-general for their acceptable services in shielding Pillow and brow-beating Scott. The other member, General Cushing, in his pride as a lawyer and scholar, covered up his opinions in nice disquisitions and subtleties not always comprehended by his associates.

Generals Worth and Pillow, with Lieutenant-Colonel Duncan*—to their former commands and honors. Thus a series of the greatest wrongs ever heaped on a successful commander was consummated—in continuation of the Jackson persecution.

After a session of some weeks in Mexico, and some progress made in Pillow's case, the court was adjourned to meet next at Frederick, Maryland. Here the sessions were continued long enough to finish the whitewashing of Pillow by the means alluded to. The charges against Scott had been withdrawn under his open defiance of power and its minions, when the court was finally adjourned and dissolved.

* These three officers were not strictly confined to their respective quarters, as by law they must have been but for Scott's special indulgence in extending the limits of each, from the beginning of the arrest, to the city and its environs.

CHAPTER XXXVI.

RECEPTIONS AT NEW YORK AND ELIZABETH—OTHERS
DECLINED—BAD HEALTH.

ARRIVING at Vera Cruz, on my way home, I had a right to select the best steamer for my conveyance, and there were several at anchor off the castle in the service of the army. But the same reason that induced me to select non-effectives for oarsmen, the morning after the battle of Lundy's Lane, and, on the same occasion, to take a broken-down surgeon to attend me toward Philadelphia, now caused me to leave the steamers at Vera Cruz for the benefit of the corps soon to follow. Accordingly, I embarked in a small sailing brig, loaded down with guns, mortars, and ordnance stores.