

MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

COMMUNICATING

*Certain correspondence of N. P. Trist and General Scott, relative to affairs with Mexico, in answer to the resolution of the Senate of the 28th of February, 1848.*

FEBRUARY 29, 1848.

Read, and with the documents ordered to be printed in confidence for the use of the Senate.

[CONFIDENTIAL.]

To the Senate of the United States:

In compliance with the resolution of the Senate, passed in "executive session" on yesterday, requesting the President "to communicate to the Senate in confidence the entire correspondence between Mr. Trist and the Mexican commissioners, from the time of his arrival in Mexico until the time of the negotiation of the treaty submitted to the Senate; and also the entire correspondence between Mr. Trist and the Secretary of State, in relation to his negotiations with the Mexican commissioners; also, all the correspondence between General Scott and the government, and between General Scott and Mr. Trist, since the arrival of Mr. Trist in Mexico, which may be in the possession of the government," I transmit herewith the correspondence called for. These documents are very voluminous, and presuming that the Senate desired them in reference to early action on the treaty with Mexico, submitted to the consideration of that body by my message of the 22d instant, the originals of several of the letters of Mr. Trist are herewith communicated, in order to save the time which would necessarily be required to make copies of them. These original letters it is requested may be returned when the Senate shall have no further use for them.

The letters of Mr. Trist to the Secretary of State, and especially such of them as bear date subsequent to the receipt by him of his letter of recall as commissioner, it will be perceived, contain much matter that is impertinent, irrelevant, and highly exceptionable. Four of these letters, bearing date respectively the 29th December,

1847, January 12, January 22, and January 25, 1848, have been received since the treaty was submitted to the Senate. In the latter, it is stated that the Mexican commissioners who signed the treaty derived "their full powers bearing date on the 30th December, 1847, from the President *ad interim* of the republic, (General Anaya,) constitutionally elected to that office in November by the sovereign constituent Congress" of Mexico. It is impossible that I can approve the conduct of Mr. Trist in disobeying the positive orders of his government, contained in the letter recalling him, or do otherwise than condemn much of the matter with which he has chosen to encumber his voluminous correspondence. Though all of his acts, since his recall, might have been disavowed by his government, yet Mexico can take no such exception. The treaty which the Mexican commissioners have negotiated with him, with a full knowledge on their part that he had been recalled from his mission is binding on Mexico.

Looking at the actual condition of Mexico, and believing that, if the present treaty be rejected, the war will probably be continued, at great expense of life and treasure, for an indefinite period, and considering that the terms, with the exceptions mentioned in my message of the 22d instant, conformed substantially, so far as relates to the main question of boundary, to those authorized by me in April last, I considered it to be my solemn duty to the country, uninfluenced by the exceptionable conduct of Mr. Trist, to submit the treaty to the Senate, with a recommendation that it be ratified with the modifications suggested.

Nothing contained in the letters received from Mr. Trist since it was submitted to the Senate has changed my opinion on the subject.

The resolution also calls for "all the correspondence between General Scott and the government since the arrival of Mr. Trist in Mexico." A portion of that correspondence, relating to Mr. Trist and his mission, accompanies this communication. The remainder of the "correspondence between General Scott and the government" relates mainly, if not exclusively, to military operations. A part of it was communicated to Congress with my annual message, and the whole of it will be sent to the Senate if it shall be desired by that body.

As coming within the purview of the resolution, I also communicate copies of the letters of the Secretary of War to Major General Butler, in reference to Mr. Trist's remaining at the headquarters of the army in the assumed exercise of his powers of commissioner.

JAMES K. POLK.

WASHINGTON, February 29, 1848.

DEPARTMENT OF STATE,  
Washington, February 29, 1848.

SIR: I herewith transmit to you the originals of all the despatches which have ever been received at the department from Mr. Trist,

since he was appointed commissioner to Mexico. They were too voluminous to have copies made in any reasonable time. I also transmit you copies of all the despatches which I ever transmitted to Mr. Trist since his appointment, except of those which were submitted by you to the Senate with the treaty, and which have already been printed in confidence. I ought, perhaps, to make another exception of a letter of mine to him, dated on the 21st December last, making an inquiry of him which has not yet been answered, which, until it shall be answered, ought not, in justice to him, to be communicated. That inquiry, as you know, has no relation to the treaty.

Yours, very respectfully,  
 JAMES BUCHANAN.

To the PRESIDENT of the United States.

*Mr. Buchanan to Mr. Trist.*

[No. 2.] DEPARTMENT OF STATE,  
 Washington, June 14, 1847.

SIR: Your despatch of the 21st ultimo, which you have numbered 4, was received on the 3d instant. None of a later date from you has yet come to hand.

The original letter from General Scott to yourself, dated at Jalapa, May 7, 1847, which you have transmitted with your despatch, is certainly of a most extraordinary character. It was well calculated to wound your feelings and excite your indignation. This letter, surely, never would have been written had he awaited your arrival at his headquarters, and read the instructions and the projet of a treaty with Mexico, which you were authorized to communicate to him confidentially. The perusal of these documents must have put to flight the unfounded suspicions in regard to your mission which seem to have preoccupied his mind and influenced his conduct.

You were intrusted with no further agency in regard to my communication of the 15th April last, addressed to the Mexican minister for foreign relations, after it was placed in the hands of General Scott. Your whole duty respecting it was then performed. If he has either refused or neglected to transmit that important document to the minister to whom it was directed, and thus violated a military order of the President, issued to him through the Department of War, he has incurred a heavy responsibility; but for this he is neither answerable to the Department of State nor the commissioner to Mexico. The question belongs exclusively to the military branch of the government.

You might safely have relied upon the government here for the vindication of your character and conduct. Indeed, General Scott's letter to you had, upon its face, placed him so clearly in the wrong, that no commentary upon it, however able, which you may have written, can have made the case plainer. Some days before the

arrival of your despatch, the War Department had received a despatch from the general enclosing a copy of his letter to you; and a judicious and appropriate answer, dated on the 31st of May, was returned to him by the Secretary of War.

Whilst our armies are in the country of the enemy, and our minister of peace is at the head-quarters of the commanding general, this is no time for personal altercations between them, if these can possibly be avoided. Under such circumstances, the greater the sacrifice of private griefs, however well founded, which you may make upon the altar of your country, the more will this redound to your honor hereafter. You have been despatched to Mexico by your government as a minister of peace; and to accomplish the great object of your mission, a hearty co-operation between the general and yourself may be indispensable. Under these considerations I am directed by the President, in case amicable relations shall not in the meantime have been restored, to instruct you to call upon General Scott and offer to communicate to him, confidentially, the instructions and the projet of a treaty with which you have been intrusted, and to report to this department without delay the circumstances and result of your interview.

Governor Marcy has again written to General Scott by the messenger who will bear you this despatch.

Enclosed I transmit you a copy of the orders issued on the 11th instant, by the President, to the Secretaries of War and of the Navy, upon the report of the Secretary of the Treasury of the day preceding, in relation to the Mexican tariff. From these you will perceive it has been announced to the world that the government intend to provide, by the treaty with Mexico, that goods imported into any of the ports of that country whilst in our military possession, shall be exempt from any new import duty or charge after the conclusion of peace. This will render it necessary for you to insist upon the insertion of the ninth article of the projet of the treaty. Indeed, you may consider this as a sine qua non.

Yours, very respectfully,  
 JAMES BUCHANAN.

N. P. TRIST, &c., &c., &c.

*Mr. Buchanan to Mr. Trist.*

[No. 3.] DEPARTMENT OF STATE,  
 Washington, July 13, 1847.

SIR: A duplicate of your No. 4, dated 21st of May, 1847, together with a copy of the first ten pages of your letter to General Scott of the 9th of May, and of your letter to him of the 20th of May, was received at the department on the 28th ultimo. Your No. 6, of the 3d of June, 1847, was also received on the 29th ultimo; but your No. 5, (if indeed there be such a number) has not yet come to hand. It is much to be regretted that you could not have

found time to prepare and transmit copies of your letters to General Scott of the 9th and 20th of May, with the original of your despatch, No. 4. In that event they would have been received nearly a month earlier; and even now we have only a part of your letter to him of the 9th of May. General Scott's answer to these letters, dated at Pueblo on the 29th of May, has been received at the War Department, from which I have obtained a copy.

These documents have produced feelings of deep mortification and disappointment in the mind of the President. It is lamentable to reflect that the restoration of peace may have been defeated or delayed by a violent and embittered personal quarrel between two functionaries of the government in the enemy's country, and whilst the war is raging.

You do not seem sufficiently to have reflected that you were entrusted with no power whatever over the disposition of my communication of the 15th of April last, to the Mexican minister for foreign affairs, except that of a mere bearer of despatches. After it had reached the hands of General Scott, your agency in regard to it should have terminated, and ought never to have been resumed. His refusal or omission to forward that communication to the place of its destination, in obedience to the military order of the President through the Secretary of War, was a question in no manner connected with your mission. It was therefore, with regret that the President discovered from your letter to the general of the 20th of May, that you had consented to take back this communication from his possession, and to assume a discretion which had not been delegated, in regard to the appropriate time for forwarding it to the Mexican minister for foreign affairs. You say to the general that, "so soon as I shall be enabled to ascertain that the condition of the government of this country is such as to admit of its delivery, it will be again placed in the hands of the general-in-chief of our forces for that purpose."

You have thus done much to relieve General Scott from the responsibility of disobeying the order communicated to him through the Secretary of War; and have, in effect, without any authority, undertaken to decide that it was not proper, under existing circumstances, to transmit my letter to the Mexican minister for foreign affairs. In this decision the President cannot concur. That letter was an answer to the letter of Mr. Monasterio to myself, dated on the 22d of February last, and was required, not only by courtesy, but the highest public considerations. Its immediate delivery to the Mexican minister for foreign affairs could have done no possible harm, and might have been productive of much positive good. Indeed, had it reached its destination soon after the victory of Cerro Gordo, from the state of public feeling then existing in the city of Mexico, it might and probably would have been productive of the happiest consequences. But, whether or not, the time of its delivery was a question not left to your discretion.

The greatest pains were taken, in framing your instructions, to prevent all possible interference on your part with the appropriate military duties of General Scott. It was partly to convince him of

this fact that you were authorized to exhibit these instructions to him, together with the project of the treaty. Your authority, so far as he was concerned, was limited to the single point of giving him notice that the contingency had occurred, to wit, the ratification of the treaty by the Mexican government, "on the happening of which, as provided by the third article, hostilities are required to be suspended." The ratification of such a treaty by Mexico, according to the spirit of the act of Congress of the 3d of March, 1847, "making further appropriation to bring the existing war with Mexico to a speedy and honorable conclusion," was to be the signal for the termination of hostilities. As the negotiator of the treaty, from his position, must necessarily be first informed of this event, he was required "without delay to communicate the fact to the commanders of our land and naval forces respectively." All the rest was left to the instructions issued by the Secretaries of War and of the Navy to our military and naval commanders. Up to this last moment your duties were wholly unconnected with General Scott, and then they were limited to a mere official communication, that the Mexican government had concluded and ratified a treaty of peace with the United States.

Under these circumstances, it was with deep regret that the President learned, from your letter to the general of the 20th of May, that you had undertaken, in his name, to become the medium of giving to that officer an order in advance, to be executed when you should think proper again to deliver into his hands my communication to the Mexican minister for foreign affairs; and, to enforce obedience to this order, you declare that, for this special purpose, you stand in precisely the same relation to the President that one of his aids-de-camp bears to himself, when entrusted with a verbal order from him to his subordinate officer.

It is a most disagreeable task thus to criticise your conduct. General Scott, by his letter to you of the 7th of May last, had placed himself clearly in the wrong. Whether any pretext existed for writing such a letter—justification he could have had none—can only appear from your letter to him of the 6th of May, to which his was a response. It is therefore much to be regretted that you have kept no copy of this letter, which has now become so important, and the general has not furnished the War Department with a copy.

I purposely forbear to express any opinion of your reply to General Scott of the 9th of May, until I shall have an entire copy of it before me; and his rejoinder to you of the 29th of May, I leave in the hands of the Secretary of War, to whom he is directly responsible.

Your mission was a mere precautionary measure. In the then existing relations between the two countries the President could not have appointed public commissioners to treat with Mexico, because it was morally certain they would not be received. At the same time it was foreseen that in the progress of our arms a favorable juncture might occur for the conclusion of a treaty, which, if not seized at the moment, might not again speedily return. The President would have been inexcusable had he not provided for such

a contingency. For this purpose you were employed as a confidential agent, to proceed to the head-quarters of the army with the projet of a treaty already prepared; and in case the Mexican government should refuse to conclude this treaty, you were authorized to make the necessary preliminary arrangements for the meeting of commissioners. It was almost essential to the success of your mission, that you should cultivate a good understanding with the commander-in-chief of the army. It was, therefore, unfortunate that you had not in person delivered to him the despatches with which you were entrusted, and at the same time made him fully acquainted with the character and objects of your mission, as well as with the nature of my communication to the Mexican minister of foreign affairs. For these reasons, therefore, although the letter of General Scott was well calculated to irritate your feelings and excite your indignation, you would have best performed your duty to your country had you stifled your resentment, and entrusted your vindication to the Secretary of War, acting under the order of the President. Indeed, for this purpose the letter required no studied reply. It is on its face the production of unfounded jealousy, which the author's own sober reflection, if left to itself, would most probably have corrected.

The President trusts that ere this, in obedience to my instructions of the 14th ultimo, (of which I now transmit you a duplicate,) you have called upon General Scott and communicated to him the instructions and projet of a treaty with which you have been entrusted, and that even if friendly relations have not been restored, neither you nor he will suffer your personal feud to defeat or to delay the conclusion of a treaty of peace with Mexico.

According to the suggestion in your despatch No. 6, you are authorized to modify the boundary contained in your instructions so as to make it read, "up the middle of the Rio Grande to the thirty-second degree of north latitude; thence due west to a point due south of the south-western angle of New Mexico; thence due north to the said angle; thence northward along the western line of New Mexico," &c., &c., &c. This modification, which would embrace the Paso del Norte within the limits of the United States, is deemed important; still you are not to consider it as a *sine qua non*, nor suffer it to delay the conclusion of a treaty.

I would suggest another and more important modification of the line: and this is, to run it along the thirty-second parallel of north latitude, from the Rio Grande to the middle of the gulf of California, and thence down the middle of the gulf to the Pacific ocean; or, if this cannot be obtained, to run it due west from the south-west angle of New Mexico to the middle of the gulf. Either of these lines would include within our limits the whole course of the Gila. From information derived from Major Emory, the valley of that river presents a favorable route for a railroad to the Pacific; but this would sometimes pass on the one side and sometimes on the other of the bed of the stream. For this reason it is deemed important that the whole valley of that river should be included within the boundary of the United States. You are therefore au-

thorized and instructed to make the first, or, if this cannot be obtained, the second modification above suggested, in the line; but still with the understanding that neither of these two changes is to be considered as a *sine qua non*, nor is it to delay the conclusion of a treaty.

In case Lower California cannot be obtained, then the line might be run on the parallel of thirty-two degrees, or due west from the southwest corner of New Mexico to the Pacific ocean. If the latter line should be adopted, care must be taken that San Miguel shall be included within our limits.

Yours, very respectfully,

JAMES BUCHANAN.

To N. P. TRIST, Esq., &c., &c., &c.

*Mr. Buchanan to Mr. Trist.*

[No. 4.]

DEPARTMENT OF STATE,

Washington, July 19, 1847.

SIR: I enclose you a duplicate of my despatch No. 3, of the 13th instant.

The more I reflect upon the subject, the better am I convinced of the importance of running the boundary line between the Rio Grande and the gulf of California along the thirty-second parallel of north latitude. We cannot learn that the boundaries of New Mexico have ever been authoritatively and specifically determined; and difficulties might hereafter arise between the two governments in ascertaining where the south-western angle of New Mexico is situated. A conversation with Major Emory since the date of my last despatch has convinced me still more of the importance of this modification.

You will, therefore, in the copy of the projet of a treaty which you are instructed to present to the Mexican plenipotentiary, if this be not too late, substitute the following instead of the fourth article:

ARTICLE 4.—The boundary line between the two republics shall commence in the gulf of Mexico, three leagues from the land, opposite the mouth of the Rio Grande; from thence up the middle of that river to the thirty-second parallel of north latitude; from thence due west along this parallel of latitude to the middle of the gulf of California; thence down the middle of the same to the Pacific ocean.

It is not intended that you shall make the parallel of 32°, instead of the river Gila, a *sine qua non*; but yet it is deemed of great importance that you should obtain this modification, if it be practicable.

If Lower California cannot be obtained, then the line on the parallel of 32° might be extended to the Pacific ocean; taking care, in that event, to secure to our citizens, in accordance with your original instructions, "in all time to come, a free and uninterrupted

access to and from the ocean through the gulf of California, from and to their possessions north of the said division line."

Major Emory, whilst in California, has accurately ascertained the latitude of two important points in that country. The latitude of the town of San Diego is 32° 44' 59". The harbor is some miles south of the town. The latitude of the mouth of the Gila, where it empties into the Colorado, is 32° 43'.

Your interesting and important despatch, No. 7, of the 13th June, was received at the department on the 15th instant. Although it had not been in the contemplation of the President to invoke the aid of the British minister in Mexico, for the purpose of forwarding my communication to the Mexican minister for foreign affairs, yet the necessity of the case, under all the circumstances, constitutes a sufficient justification for your conduct. Indeed, it does not seem that you had any other mode of transmitting it, after the refusal of General Scott to perform this duty, in obedience to the order of the Secretary of War.

The Secretary of War received last night an extra from the "Republicano," of the date of 28th June, containing the letter of the Mexican minister for foreign affairs to the secretaries of the congress, my letter to that minister, and his answer. Your despatch No. 5, if such an one existed, has not yet reached the department.

Yours, very respectfully,

JAMES BUCHANAN.

To N. P. TRIST, Esq.

WAR DEPARTMENT,  
Washington, February 29, 1848.

SIR: I herewith transmit to you all the correspondence between Major General Scott and this department which has any relation to Mr. Trist's mission to Mexico as a commissioner, to his proceedings there, and to his recall; and also, three letters to Major General Butler on the same subject.

I have the honor to be, with great respect, your obedient servant,  
W. L. MARCY,  
Secretary of War.

To the PRESIDENT OF THE UNITED STATES.

[CONFIDENTIAL.]

WAR DEPARTMENT,  
Washington, April 14, 1847.

SIR: The signal successes which have attended our military operations since the commencement of the present war, would seem to justify the expectation that Mexico will be disposed to offer fair terms of accommodation. With a view to a result so desirable, the President has commissioned Nicholas P. Trist, esq., of the State Department, to proceed to your head-quarters, or to the

squadron, as to him may seem most convenient, and be in readiness to receive any proposals which the enemy may see fit to make for the restoration of peace.

Mr. Trist is clothed with such diplomatic powers as will authorize him to enter into arrangements with the government of Mexico for the suspension of hostilities. Should he make known to you, in writing, that the contingency has 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 the department, unless continued or recommenced by the enemy; but in so doing you will not retire from any place you may occupy, or abstain from any change of position which you may deem necessary to the health or safety of the troops under your command; unless, on consultation with Mr. Trist, a change in the position of your forces should be deemed necessary to the success of the negotiation for peace. Until hostilities, as herein proposed, shall be intermitted, you will continue to carry on your operations with energy, and push your advantages as far as your means will enable you to do.

Mr. Trist is also the bearer of a despatch to the secretary of foreign affairs of the government of Mexico, in reply to one addressed to the Secretary of State here. You will transmit that despatch to the commander of the Mexican forces, with a request that it may be laid before his government, at the same time giving information that Mr. Trist, an officer from our department for foreign affairs, next in rank to its chief, is at your head-quarters, or on board the squadron, as the case may be.

You will afford Mr. Trist all the accommodation and facilities in your power, to enable him to accomplish the objects of his mission.

Very respectfully, your obedient servant,

W. L. MARCY,  
Secretary of War.

Major General WINFIELD SCOTT,  
Commanding U. S. Army, Mexico.

P. S.—Should a suspension of hostilities take place, you will lose no time in communicating the fact to Major General Taylor.

[No. 27.]

HEAD-QUARTERS OF THE ARMY,  
Jalapa, May 7, 1847.

SIR: I have just received from Mr. Trist, chief clerk of the Department of State, a letter dated yesterday, at Vera Cruz, with which he has sent me two from you dated the 12th, and a third the 14th ultimo.

I enclose herewith a copy of my reply to Mr. Trist, and send one of your letters of the 12th—that relating to the custom-houses of Mexico—to Colonel Wilson, commanding at Vera Cruz, with instructions that he send a copy to Colonel Gates, commanding at