

Tampico, in order that your instructions relative to the collection of duties at the two ports may be duly executed.

I am too distant from the coast, and too much occupied with the business of the campaign, to charge myself with the execution of that letter.

I have the honor to remain, sir, with respect, your most obedient servant,

WINFIELD SCOTT.

Hon. W. L. MARCY, *Secretary of War.*

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

SIR: I have just received your note of yesterday, accompanied by communications to me from the Secretary of War, and one (sealed!) from the Department of State to the minister of foreign affairs of the republic of Mexico.

You are right in doubting whether there be a government, even *de facto*, in this republic. General Santa Anna, the nominal president, has been, until within a day or two, in the neighborhood of Orizaba, organizing bands of rancheros, banditti, or guerillas, to cut off stragglers of this army, and, probably, the very train, all important to us, which you propose to accompany into the interior; the safety of which train has detained me here and caused me a high degree of solicitude. Hence I regret that Colonel Wilson, commanding at Vera Cruz, has allowed himself, a second time, to be persuaded to detach, to bring up despatches, (for your accommodation,) a material portion of the force I had relied upon as the escort of that train. The other detachment to which I allude came up some days ago to escort Lieutenant Semmes, of the navy, duly accredited by Commodore Perry, to the Mexican minister of foreign affairs, to negotiate the exchange of Passed Midshipman Rogers, now a prisoner of war. That matter, also, seems to have been considered too important to be entrusted to my agency!

But, to return to the actual government of Mexico. Señor Anaya is, I believe, president, *ad interim*. But you may have learned that the Congress, after hearing of the affair of Cerro Gordo, passed many violent decrees, breathing war, to the uttermost, against the United States; declaring that the executive has no power, and shall have none, to conclude a treaty, or even an armistice, with the United States, and denouncing as a traitor any Mexican functionary who shall entertain either proposition. I have communicated a copy of those decrees to the War Department, and, until further orders thereupon, or until a change of circumstances, I very much doubt whether I can so far commit the honor of my government as to take any direct agency in forwarding the sealed despatch you have sent me from the Secretary of State of the United States.

On this delicate point, however, you will do as you please; and when, if able, I shall have advanced near to the capital, I may, at

your instance, lend an escort to your flag of truce; and it may require a large fighting detachment to protect even a flag of truce against the rancheros and banditti who now infest the national road, all the way up to the capital.

I see that the Secretary of War proposes to degrade me, by requiring that I, the commander of this army, shall defer to you, the chief clerk of the Department of State, the question of continuing or discontinuing hostilities.

I beg to say to him and to you, that here, in the heart of a hostile country, from which, after a few weeks, it would be impossible to withdraw this army without a loss, probably, of half its numbers by the *vomito*, which army, from necessity, must soon become a *self-sustaining machine*, cut off from all supplies and reinforcements from home until, perhaps, late in November—not to speak of the bad faith of the government and people of Mexico—I say, in reference to those critical circumstances, this army must take *military security* for its own safety. Hence, the question of an armistice or no armistice is, most peculiarly, a *military* question, appertaining, of necessity, if not of universal right, in the absence of direct instructions, to the commander of the invading forces; consequently, if you are not clothed with military rank over me, as well as with diplomatic functions, I shall demand, under the peculiar circumstances, that, in your negotiations, if the enemy should entertain your overtures, you refer that question to me, and all the securities belonging to it. The safety of this army demands no less, and I am responsible for that safety, until duly superseded or recalled. Indeed, from the nature of the case, if the enemy, on your petition, should be willing to concede an armistice, he would, no doubt, demand the military guaranty of my signature, for his own safety.

Should you, under the exposition of circumstances I have given, visit the moveable head-quarters of this army, I shall receive you with the respect due to a functionary of my government; but whether you would find me here, at Perote, Puebla, or elsewhere, depends on events changeable at every moment.

The sealed despatch from the Department of State I suppose you to desire me to hold until your arrival, or until I shall hear farther from you.

I remain, sir, respectfully, your obedient servant,  
WINFIELD SCOTT.

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

WAR DEPARTMENT, May 31, 1847.

SIR: I have received your letter of the 6th instant, with copies of instructions to Generals Worth and Quitman, and Colonel Wilson. By these I learn that the volunteers whose term of service is limited to twelve months are on their return home. They have been discharged at an earlier period than was anticipated. The additional troops for your column will soon be with it in sufficient num-

bers to supply, and more than supply, the place of the discharged volunteers.

The reason for a temporary diversion of a part of these troops, of which you complain, has been explained, and I trust in a satisfactory manner, in a former communication from this department.

I am gratified by the intelligence of your extended progress into the enemy's country, and hope that your successful operations will accelerate the conclusion of a peace.

Your course hitherto, in relation to prisoners of war, both men and officers, in discharging them on parole, has been liberal and kind; but whether it ought to be still longer continued, or in some respects changed, has been under the consideration of the President, and he has directed me to communicate to you his views on the subject. He is not unaware of the great embarrassment their detention, or the sending of them to the United States, would occasion; but so far as relates to the officers, he thinks they should be detained until duly exchanged. In that case, it will probably be found expedient to send them, or most of them, to the United States. You will not, therefore, except for special reasons in particular cases, discharge the officers who may be taken prisoners, but detain them with you, or send them to the United States, as you shall deem most expedient.

It is an unpleasant duty to advert, as I feel constrained to do, to your letter of the 7th instant, and more particularly to the copy of one of the same date, therewith enclosed, addressed by you to Mr. Trist. With me it is a matter of sincere regret that a letter of such an extraordinary character was sent to that gentleman; and I cannot doubt it will be no less regretted by yourself on more reflection and better information. Such information you would have received had Mr. Trist delivered in person, as I did not doubt he would, my letter to you of the 14th instant, [ultimo,] with the despatch from the State Department to the Mexican Minister of Foreign Relations. My letter should have secured you from the strange mistake into which you have fallen, by regarding him as the bearer of that despatch to the Mexican government, and yourself called on to aid in transmitting it. Had such been the true state of the case, I cannot perceive that you would have had any just ground of complaint, or any sufficient excuse for withholding the assistance required; but by looking at my letter you will discover your misapprehension. Mr. Trist was the bearer of that despatch to yourself—not to the Mexican government—and when he had delivered it into your hands his agency ceased; he had no discretion or judgment to exercise in regard to sending on or withholding it. This was a matter committed solely to yourself. I refer to the language of my letter, to show the entire correctness of this view of the subject: "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." This is a posi-

tive instruction to yourself to send that despatch forward; and it is expected you will have acted upon it without waiting for the arrival of Mr. Trist at your head-quarters, if thereby any unnecessary delay was likely to result.

If you infer that the succeeding sentence in my letter controlled, or in any manner qualified, the President's order in regard to forwarding that despatch, you have been led into an error. Mr. Trist was directed to exhibit to you not only his instructions, but the projet of a treaty with which he had been furnished by his government. These documents would have fully disclosed to you "the object of his mission," for the accomplishment of which you were requested to afford facilities. None of these objects had relation to the transmission of the despatch in question.

You have marked with a note of admiration the fact that the despatch was *sealed*. True, it was sealed; but the bearer who was charged with the delivery of it to you had a copy; and had he handed that despatch in person to you, as it was expected he would do, he would no doubt have exhibited that copy to your inspection.

A still more serious misconception has seized your mind in regard to an armistice. Before this time it is quite probable you will have read the instructions to the commissioner, whom you see fit to denominate "the chief clerk of the State Department;" and I trust that a knowledge of what they contain has dissipated all your distressing apprehensions of being degraded by me. My letter informed you that Mr. Trist was "clothed with diplomatic powers," and his instructions and the projet of a treaty which he carried with him have ere this apprized you that he is a commissioner, with full power to negotiate a peace. The treaty which he was authorized to conclude contains an article, as you will have perceived, which provides for a suspension of hostilities, but not until the treaty shall have been ratified by the Mexican government. Neither the considerations of humanity, nor sound policy, would justify the continuance of active military operations after a treaty of peace had been concluded and ratified on the part of Mexico, until the information of that fact could be communicated from Mexico to this place, and an order for the suspension of hostilities hence transmitted to the commanding general in that country. It will not be questioned that a commissioner of peace may be properly vested with the power of agreeing to a suspension of hostilities in a definitive treaty, negotiated and already ratified by one party, while waiting the ratification of the other. As the negotiator is the first to know the fact that a treaty has been concluded and so ratified, it is beyond dispute, proper that he should be directed to communicate the knowledge of that fact to the commanding general; and it cannot, in my view of the case, be derogatory to that officer to be placed under instructions to act with reference to that fact, when duly notified of it by the commissioner. The case cannot be made plainer, or your misapprehensions in regard to it more clearly pointed out, than by simply stating it as it must exist, if the contingency should fortunately

happen on which you will be required to suspend hostilities. A commissioner of peace is sent by the President to your head-quarters, and he makes known to you his authority to receive from Mexico offers for concluding a peace. You are informed, by his instructions and the projet of a treaty which he is required to exhibit to you, that on the conclusion and ratification of a treaty of peace by Mexico, hostilities immediately thereafter are to cease. With all these facts fully made known to you in advance, you are directed by the President to suspend hostilities on receiving written notice from the commissioner that the contingency—the conclusion and ratification of a treaty of peace by Mexico—has happened. Under these circumstances, can you conceive that, as commanding general of the force in Mexico, you have the right to raise a question upon your duty to obey this direction, coming, as it does, through a proper channel, from your superior—the commander-in-chief? In my opinion, you could not have wandered further from the true view of the case, than by supposing that the President or myself has placed you in the condition of deferring “to the chief clerk of the Department of State the question of continuing or discontinuing hostilities.” I cannot conceive that any well-founded exception can be taken to the order you have received in relation to suspending hostilities; and I am fully persuaded that if the contingency requiring you to act upon it shall ever occur, you will promptly carry it into full effect.

I am, very respectfully, your obedient servant,  
W. L. MARCY,  
*Secretary of War.*

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

[No. 28.]

HEAD-QUARTERS OF THE ARMY,  
*Jalapa, May 20, 1847.*

SIR: Less than half the train, and less than a third of the supplies, expected up about the 14th instant, at the date of my report No. 26, arrived. The quartermaster at Vera Cruz had over-estimated his number of wagons and animals, and the latter were found too feeble to transport full loads through the heat and sands of the low country. No money came by that train to the quartermaster or commissary, as none had arrived for either, at Vera Cruz, from New Orleans. The paymaster here received about two hundred and eighty thousand dollars—the half of his estimate for January, February, March, and April.

If it be expected, at Washington, as is now apprehended, that this army is to support itself by forced contributions levied upon the country, we may ruin and exasperate the inhabitants, and starve ourselves; for it is certain they would sooner remove or destroy the products of their farms, than allow them to fall into our hands without compensation. Not a ration for man or horse would be brought in, except by the bayonet, which would oblige the troops

to spread themselves out many leagues to the right and left, in search of subsistence, and to stop all military operations.

Of money, there is but little in any part of the country, except in the hands of foreign miners and merchants, intended for exportation. None has come down as low as Jalapa, since we invested Vera Cruz; but we suppose that at Puebla, and beyond, we shall be able to sell drafts on the United States readily at par, or perhaps at a premium.

I know nothing of the receipts at the custom-houses of Vera Cruz, Tampico, &c. Probably they are but inconsiderable; but, if great, we could not, after this date, and when further advanced, draw upon them for the uses of this army.

Another train of wagons (one hundred and seventy) is just entering this city from Vera Cruz, under the escort of Captain Walker and Ruff's riflemen. If it has a second third of the essential supplies now long waited for—medicines, ammunition, clothing, salt, &c.—I shall advance, having lost the hope of receiving further reinforcements, except some nine hundred recruits for the old regiments of this army, of which we have notice from the adjutant general at Washington. I shall send down, by convalescent officers and men principally belonging to the discharged volunteer regiments, a small train of wagons to meet these recruits, and to be added to any new means of transportation the quartermaster may have at Vera Cruz. When they come up, we shall lose, for months, all connexion with that depot.

I shall leave in garrison here the 1st artillery (five companies) serving as infantry, one troop of horse, the whole of the 2d Pennsylvania, and three companies of the 1st Pennsylvania regiments. Brevet Colonel Childs is designated as the governor and commander of the place.

The garrison of the castle of Perote will continue as at present; a detachment of artillerists to serve the batteries, a troop of horse, and seven companies of the 1st Pennsylvania volunteers; with Colonel Wynkoop, of the latter, as governor and commander.

Worth's and Quitman's divisions entered Puebla the 15th instant. Santa Anna, from Orizaba, preceded them a short time, and has, it is said, taken up a defensive position near Rio Frio, equidistant (14 leagues) from Puebla and the capital, with a force (variously reported) of from two thousand to four thousand men. If he stand, we shall assault him, with confidence, no matter what may be his numbers. The advance at Puebla has instructions, as I have heretofore reported, to wait there for the arrival of the reserve, (Tyigg's division,) or until further orders.

I find that the train just in has brought up but a small part of the ammunition needed. Nevertheless, we shall advance without further delay.

I enclose herewith copies, in English and Spanish, of a proclamation I was induced to issue on the 11th instant. It was originally, under my directions, written in Spanish, at the instance of persons of very high standing and influence, some of them of the church, who suggested the topics and sentiments the most likely

to find a response in the bosoms of the Mexicans, and to promote the cause of justice, moderation, and peace. To the east of the proclamation I saw no American objection. Its effects, as far as we have heard, are very favorable; but the express (a Mexican) engaged by the deputation to take the printed copies to the capital was intercepted near Puebla.

Mr. Trist arrived here on the 14th instant. He has not done me the honor to call upon me. Possibly he has thought the compliment of a first visit was due to him! I learn that he is writing a reply to my answer to him dated the 7th instant. A copy of that answer I enclosed to you the moment it was written. It is not probable that I shall find leisure to read his reply, much less to give a rejoinder.

When I wrote to you and Mr. Trist late in the night of the 7th instant, to go down by a detachment of horse that I was obliged to despatch early the next morning, I had not time to defend the position you had forced me to assume; I shall now but glance at that position. 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 power 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, and, as I understood at the time, approved by the cabinet, 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 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 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 is 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 that I wrote to General Taylor, with the permission of both Mr. Bancroft and yourself, to correct that blunder.

The letter may be found on record in my office at Washington. Whenever it may be the pleasure of the President to instruct me

directly, or through any authorised channel, to propose or to agree to an armistice with the enemy, on the happening of any given contingency or contingencies, 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 as the orders of the constitutional commander-in-chief of the army and navy of the United States.

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 aid-de-camp to show him the rooms I had ordered for him. I have caused him to be tendered a sentinel to be placed at his door and to receive his orders. I shall from time to time send him word of my personal movements, and I shall continue to show him all other attentions necessary to the discharge of any diplomatic functions with which he may be entrusted.

I have the honor to remain, very respectfully, your most obedient servant,

WINFIELD SCOTT.

Hon W. L. MARCY,  
*Secretary of War.*

P. S. May 21.—I put under cover portions of an unofficial letter just received from Major General Worth.

They are highly interesting. But one company, mounted, under Captain Wheat, was re-enlisted (for the war,) out of the whole of the old volunteers. It has just arrived from Vera Cruz.

The reserve will positively advance to-morrow. The deficiency in supplies from Vera Cruz has resulted not so much from the want of wagons and animals there, as from the want of drivers and conductors. Some 400 old volunteers engaged here for the wagons and pack mules broke off at Vera Cruz, and embarked with their respective companies.

W. S.

WAR DEPARTMENT, June 15, 1847.

SIR: I have received your letter of the 20th of May, and regret to learn that you have been disappointed in your expectations in regard to receiving supplies and munitions from the depot at Vera Cruz. This disappointment was caused, as appears by the last paragraph in that letter, by the failure of the arrangement made with persons who engaged to accompany the train as teamsters.

I have received and laid before the President the copy of your proclamation to the Mexican nation of the 11th of May. The considerations you have presented to the people of Mexico as inducements to them to wish for peace, and to concur in measures for the accomplishment of that desirable object, are well selected and ably enforced. As it could not have been your design to enter into a full discussion of the causes which led to the war, it is not to be taken as an authoritative exposition of the views of the Executive

in this respect, but he regards it as a document containing "topics and sentiments the most likely to find a response in the bosoms of the Mexicans, and to promote the cause of justice, moderation, and peace." Such were properly the scope and end of the proclamation, and most ably have they been carried out.

You again advert to the subject presented in your letter of the 7th ultimo to Mr. Trist, and appear still to be laboring under an unaccountable misconception in regard to it. My letter of the 31st of May (a copy of which I herewith transmit) presents this matter in its true light. It will show you how far you have misled yourself, and how causelessly you have indulged in complaints, better characterized as reproofs, against the President and this department.

The President would not have deemed it proper that I should advert again to this subject, but for the apprehension he has that your course may obstruct the measures he has taken to procure a peace. It does not appear, from any communication made by you to this department, that you have executed or attempted to execute the order which you have received to forward the despatch from the Secretary of State addressed to the Mexican secretary of foreign affairs. The President is, however, unwilling to believe that you have not done your duty in this respect. If it has not been sent, he presumes that you have not been able to send it, and that you will, in due time, explain the causes which compelled you to detain it.

My letter, taken by itself, neither sustains nor excuses such an interpretation as you have given to it; and, taken in connexion with the facts which Mr. Trist was directed to communicate to you, and which it was expected would have been communicated with that letter, shows how idle it is to imagine that there was any attempt to place you "under the military command of Mr. Trist," or that you were "required to respect the judgment of Mr. Trist here (in Mexico) on passing events purely military, as the judgment of the President, who is some two thousand miles off." The respect due to yourself as well as that due to the President, who had placed you in chief command of our armies in Mexico, should have made you extremely reluctant to adopt such a conclusion, even on adequate proof of the fact; and to me it seems, as I am sure it will appear to others, strange indeed that you have been able to extract any such inference from my letter. You and Mr. Trist are both functionaries of the government of the United States, with important public interests confided to each in his respective sphere of action; cordial co-operation was expected; duty imposed it; the public good, the cause of humanity, demanded it. If there has been a failure in this respect—and from the tenor of your despatch the President fears that there has been—a high responsibility rests somewhere.

In relation to the direction of an armistice, or the suspension of hostilities, the President, after duly considering all you have said on the subject, does not doubt that it was an order proper and right for him to give, and consequently one which you were bound to obey. He sincerely regrets your strange misapprehension of it;

and he is wholly unable to conceive how you can reconcile with duty and subordination the making of it a topic of remark, I may say of incidental reproof of your common superior, in an official communication to a subordinate officer in another branch of the public service.

The information recently received here has caused a painful apprehension that Colonel Sours, who was bearer of despatches from this department to you, was murdered between Vera Cruz and Jalapa. I herewith send copies of the communications from this department which were entrusted to him.

Very respectfully, your obedient servant,

W. L. MARCY,  
*Secretary of War.*

Major General W. SCOTT,  
*Commanding U. S. A. in Mexico.*

N. B.—The following is an extract from a copy of an official letter purporting to have been written by you to Lieutenant Semmes, of the navy, dated head-quarters, Jalapa, May 9, 1847.

[Extract.]

"But there is at hand another functionary, who, under very recent instructions from the President of the United States, may perhaps claim to supersede me in the business of exchanging prisoners of war, as in other military arrangements. Mr. Trist, chief clerk of the Department of State, appointed minister or commissioner to Mexico, has arrived at Vera Cruz, and may be at this place with the train expected up in a few days. Perhaps you had better refer the business of your commission to him. I only make the suggestion."

[No. 29.]

HEAD-QUARTERS OF THE ARMY,  
*Puebla, June 4, 1847.*

SIR: I arrived here, with four troops of horse, on the 28th ult. Twigg's division came up the next day.

I enclose herewith a copy of Brevet Major General Worth's report, dated the 15th ultimo, (the original was intercepted by the enemy,) of an affair he had with General Santa Anna at Amosoque, some eight miles from this place.

The effective strength of this army has been surprisingly reduced. Besides the discharge of seven regiments and two independent companies of old volunteers, we had to leave in hospital about 1,000 men at Vera Cruz, as many sick and wounded at Jalapa, and 200 sick at Perote. Here we have on the sick report 1,017. Not a corps has made a forced march except in the pursuit after the battle of Cerro Gordo, and every possible attention has been given to the health of the troops. The general sickness may be attributed to several causes: 1. The great contrast in climates