[The following papers were inadvertently omitted in their proper order.]

[No. 9.] PUEBLA, *July* 23, 1847.

SIR: * * * * * * * *
* * * * * * * *

In my No. 8, under date the 7th instant, I transmitted a copy of a letter addressed by me to General Scott, under date the 25th June, and his reply to the same. This constituted the commencement of our official intercourse with reference to the duties with which I am charged. Justice—to say nothing of my own feelings towards a gentleman and a public servant, whose character I now believe that I had entirely misconceived—demands that I should embrace this early opportunity to say that his whole conduct in this regard has been characterized by the purest public spirit, and a fidelity and devotion which could not be surpassed, to the views of the government in regard to the restoration of peace. This spirit on his part—as will clearly appear when the details are communicated—has manifested itself, not in a passive way merely, (as might be supposed from the nature of our relative positions and duties,) but in a disposition to assume responsibility—and responsibility of the gravest kind—in utter disregard of consequences to himself. And this disposition—or rather, this readiness and fixed determination—on his part, although the occasion which has called it forth did not relate to the discharge of his military duties, strictly speaking, has not required any appeal from me to elicit it, but has manifested itself in the most spontaneous and patriotic manner. Under these circumstances, it would not but be a cause of the most serious regret on my part if the correspondence between us, that took place shortly after my arrival in this country, should in any way be brought to the notice of the public; and, consequently, if in your judgment consistent with propriety, it would be highly gratifying to me to be permitted to withdraw it from the files of the department.

I am, sir, very respectfully, your obedient servant,

N. P. TRIST.

HON. JAMES BUCHANAN,
Secretary of State.

[Enclosure with Mr. Trist's despatch No. 9.]

Message of the President, (Santa Anna,) through his Secretary of State, to the Mexican Congress, July 16, 1847.

It commences with a succinct but perfectly lucid and candid *statement* of what has occurred, beginning with the note of our government of the 17th June, 1845, and ending with that of the 15th April last, which is represented as saying, that inasmuch as the objection to receiving Mr. Slidell was the too great amplitude of his character, the United States now send Mr. N. Trist, who, *although a person of standing in the republic*, being the second officer of the ministry of foreign relations, is not invested with any character beyond that of commissioner, nor any mission or faculties beyond treating of the means of terminating the war, &c. It then proceeds:

"H. E. the President *ad interim*, Don A. L. S. Anna, who was called upon by the nation *to conduct the war of defence* against the United States, in the war of invasion which these are prosecuting against it, of rare example in history for its injustice, &c.; and who, responding to this call of his country, and to the impulses of his heart, has led the army even beyond the desert to seek the enemy," [here S. A.'s exploits.] "H. E. the President, I say, who has done and is doing all in his power to push the war, found himself, nevertheless, with this business begun; and not wishing to do aught *but the will of* Congress, *as the interpreter of that of the nation*, which had specially assigned to it the duty *of taking cognizance of everything relative to the war*, he referred this note [Mr. Buchanan's] to them, that they might consider and determine upon it. Having [the minister] laid before him the note of your excellencies [the secretaries of Congress] communicating the determination taken on the subject, he directs me to reply, saying to your excellencies, in order that you may be pleased to communicate the same to Congress, that he entertains a sincere *doubt of law* in regard to the interpretation which should be given to their said resolution. It is therein said that, in the present posture of the business, its cognizance belongs to the Executive.

"Had the object for which the Executive referred the note of the Secretary of State of the United States been, that he might know his powers; and, more clearly still, if what he meant to request had been an opinion in regard to which is the proper branch of the government to initiate, or to accept an initiative, for the opening of treaties of peace—in such case the reply would have been categorical. But no doubts having occurred to the Executive in regard to the extent of, or the time and restrictions of the powers conferred upon it by the fundamental code, the necessary determination asked for by it is, whether, using those powers, and confining himself in so doing to the restrictions of the fundamental code, it shall answer the note by saying that it will hear, or that it will not hear, the propositions which it is desired to make to it. *For the dignity of this nation, this note cannot remain without reply*, a reply which the commissioner is now awaiting at the city of Puebla, *unless this also should be so resolved by Congress*. And if it is to be replied to, the Executive does not wish to do aught but the will of Congress. It does not suffice that Congress should leave it at liberty freely to use its constitutional powers in regard to the business as it now stands; and for which renewal of confidence I am instructed by the Executive to express its most submissive thanks. This does not suffice, because another law, (that of the 20th April last,) which, although secondary, is yet *ad hoc*, and was passed by Congress in fulfillment of its mission *to take cognizance of all things relative to the war*, conflicts with the present resolution of Congress, and

appears to have been enacted for the purpose of prohibiting to the Executive, in the present state of the business, the exercise of the faculty conferred upon it by the constitution. This is the doubt of law, in regard to which he makes a formal request that it be cleared up by means of another law or decree. In that of the 20th April, it is said that the Executive shall not have power to make peace with the United States, nor to conclude negotiations with foreign powers; the faculty conferred upon the Executive by the constitution, in regard to the present posture of this business, is that of making treaties," &c., &c.

"It is not true that if the decree of the 20th April had not been passed, still the principle of the fundamental code would have been in full force, whereby peace could not have been made, however many treaties the executive might have made for its establishment, so long as those treaties should not have been approved by congress? Most certainly it is. Consequently, if this decree did not divest the executive of the faculties conferred upon it by the fundamental code with reference to the present state of the subject, the decree would be perfectly inoperative, or would indicate an ignorance or an obliviousness on the part of the legislators which is not to be supposed.

"On the contrary, so strongly is it to be supposed that such was their intention, that when the other states of the world are mentioned with reference to the restrictions upon the faculties of the executive, the constitutional doctrine is repeated, by way of recalling to mind the restriction imposed by the code. The executive shall not have power to *make* peace with the United States, and it cannot *conclude* with the other powers. With the decree, or without the decree, it can never conclude matters which have been negotiated with any power, whether the United States or any any other; therefore, with regard to the others it says *conclude*; with regard to the United States, *make*," &c., &c.

"Now, that this decree is still in force since the adoption and publication of the constitution, is a point which it had never occurred to any one to raise a doubt about until now. If this decree was passed by a congress, summoned to take cognizance of all things relative to the war with the United States, it is clear that, the war still subsisting, and the congress still subsisting, the decree also still subsists, &c., &c.

"If the present congress should see fit that the decree of the 20th April shall not remain in force, it would be necessary expressly to repeal it, because congress by various acts has recognised it as subsisting," &c., &c.

"But this is not the subject in hand. These aggressive enemies of ours, whom the general president has fought and is ready to fight again, say to us, now that here is the commissioner, such precisely as the Mexican executive (who was not General Santa Anna) consented to receive and to listen to: *Without listening to him, it cannot be known if peace is dishonorable.* Will you hear? This is the question," &c.

"Finally, and to conclude in a word, I am commanded by H. E. the president to say to your excellencies, in order that you may be pleased to say it to congress, that the nation is the only arbiter of its destiny; and as this is to be staked, and perhaps to be decided, in this struggle, and because in the question, to hear or not to hear that which it is desired to propose to the nation, the executive does not wish to do its own will, but that of the nation, it desires to know what this is: to none except its representatives can the executive address the inquiry. The executive expressly requests of congress that it declare if it be the will of the nation not to listen to propositions of any sort which may come from the United States.

I offer, &c., &c. God and liberty! Mexico, July 16, 1847.

R. PACHECO.

[No. 10.] PUEBLA, *July* 31, 1847.

SIR: In my last I said, "I consider the probabilities of an early peace very strong." * * * * * * * * * * * *

We had intelligence last night of General Pierce, from Colonel Wynkoop, governor of Perote, which place General P. doubtless reached last night, and will leave to-morrow morning. Allowing him three days for the march hither, and as many more to rest and recruit, we shall, in all probability, be on the march to Mexico in a week from this time, with from 8,000 to 8,500 men, a force abundantly—I may say overwhelmingly—sufficient to dispose of the 30,000 congregated in and about Mexico, and to add another hundred or two of pieces to the cannon that has passed into our hands. We are, however, I feel quite sure, not destined to enter the city: so entirely was I mistaken when I said that a march upon it and its occupation were convertible expressions. After trying his fortune, not without hope, it seems, that she may smile upon him at the Peñon, (see Venta de Mexico in Manouvrier and Snell's recently published chart of the road—taken, I think, from Humboldt,) or whatever point we may decide upon first carrying, S. A. will, whether successful or unsuccessful in his resistance, contrive to have himself entreated to negotiate an armistice, for the appointment of commissioners. The only point which I consider at all problematical—for I feel as certain in regard to the rest as one can well feel on such a subject—is whether congress can be kept there, and prevented from scattering to the four winds; in which latter event, ratification would be a hopeless thing; and this, being evident, would probably prevent the negotiation of a treaty.

The *Diario del Gobierno* of the 24th, 25th, and 26th instant—slips from which are referred to in No. 1—will be sent to you entire from the office of the New Orleans Delta, with the correspondent of which here I long since made the arrangement in regard to all newspapers transmitted by him, that they are to be forwarded to you. Every addition to what the courier has to carry increases the chance of his detection and capture. This was one of the rea-

sons for this arrangement, (not to double the bulk of newspapers;) the other being, that he often obtained papers which were the only ones that had come to the city.

I am, sir, very respectfully, your obedient servant,

N. P. TRIST.

Hon. JAMES BUCHANAN,
Secretary of State.

No. 1.—*Extracts.* "You will no doubt have been amused at the mutual endeavors of Congress and Santa Anna to put the responsibility of entering into negotiations upon each other; so far, congress have succeeded; for although S. A. addressed them the plain question of whether they wished peace or war, he was unable to make them meet to give him an answer; * * * * * * * *

CORRESPONDENCE

BETWEEN

THE SUPREME GOVERNMENT OF MEXICO

AND THE

GENERAL-IN-CHIEF OF THE AMERICAN ARMY,

AND

THE COMMISSIONER OF THE UNITED STATES.
