

treated upon at some place intermediate to those occupied by either in the negotiations, and army, which are to serve as the basis of the Mexican commissioners.

In the second place. Previous to beginning to treat, the American commissioner ought to recognise on the part of Mexico her right to deliberate; that is, if the intention of the United States has been to increase their territory, why have they not remained with that which they have occupied *de facto*? If that which they have come to seek at this capital is the sanction of right, for consent, they should desist from asking what we are unwilling to concede, otherwise they may consummate their works *de facto*, and the war will continue.

1st. The independence of Texas will be recognized for an adjusted indemnification.

2d. Texas is understood to be the territory known by that name since the treaty of 1819, and whilst it formed a part of the State of Coahuila and Texas, but in nowise does it comprise the territory between the rivers Nueces and Bravo, as the Congress of pretended Texans declared to belong to it.

3d. The basis to treat for any other part of the territory shall be the evacuation of all the Mexican republic now occupied, raising the blockade, and leaving all our ports free.

4th. They may treat for Upper California.

5th. On no account shall they treat for the 26th degree of latitude as a boundary, which would cause the republic to lose all of Coahuila, all New Mexico, almost all Chihuahua, almost all of Durango, all Sonora, part of Sinaloa, and almost the whole of Upper California. They may concede one port, provided it should be San Francisco, in the character of a factory, but never as a boundary.

6th. Indemnification shall be agreed upon for the port as well as for a road by which to communicate with Oregon.

7th. Ditto for damages, injuries, and extraordinary expenses of the war made in the territory of the republic, this being what has brought them to the capital, and for which they have come to negotiate.

8th. Ditto for sufferings caused to families, and injury done to estates at Monterey, Matamoras, Vera Cruz, villages, and other cities, hamlets, and estates in the republic, in consequence of the war.

9th. Ditto for depredations committed by their troops.

10th. Ditto for the depredations committed by their guerilla party of criminals, set at liberty and authorized by them in violation of the law of nations.

11th. They shall close our accounts, unpaid as well as unliquidated, for reclamations made against us.

12th. The United States shall recognize as legitimate

the titles of owners of land in Texas, in virtue of grants made prior to its declaration of independence; as well those of the general government as of the State, and will allow them the free use and enjoyment thereof.

13th. The United States shall compromise themselves not to permit slavery in the part of territory which they may acquire by this treaty.

14th. This treaty shall be extended upon the basis of reciprocity in all things wherein it may be compatible, or practicable, taking into view the respective state of the two nations.

15th. They must not agree to less than one year for its definitive conclusion.

16th. The guarantee for its observance will be sought, by common agreement, in some European power, or in a continental Congress.

17th. The basis of this shall be a republican system over the whole continent, excepting French Guiana and Brazil.

18th. The treaty about to be made must not in any manner disturb the principles of the most favored nation conceded by the republic to all other nations with whom it has made treaties.

19th. As another circumstance, they shall exact the restoration of the Irish prisoners, and that no one of the American army shall enter into the capital.

20th. All captured vessels and trophies shall be restored.

21st. As a general basis, they shall treat for peace as if we had triumphed, and as a nation who can yet carry on the war with advantage.

MEXICO, August 24, 1847.

LOPEZ DE SANTA ANNA.

J. R. PACHECO.

V. ROMERO.

ALCORTA.

RONDERO.

A copy.—O. MONASTERIO.

TACUBAYA, August 25, 1847.

The undersigned, a commissioner appointed by the United States of America near the United States of Mexico, invested with full powers to treat and confer with any person or persons, equally authorized by the Mexican government to negotiate and conclude with him or them a durable treaty of peace, friendship, and limits between the two republics, takes the liberty to call the attention

Mr. Trist to
the Minister
of Relations.

of the minister of relations of Mexico to the military convention concluded on the 23d and ratified on the 24th instant, by which an armistice is established. He has now the honor to say that he is ready to treat with a commissioner or commissioners on the part of Mexico, and desires that he will designate an early day for their meeting, at some place which may be convenient to both parties. The undersigned offers to his excellency, the minister of relations, the assurances of his most distinguished consideration.

N. P. TRIST.

PALACE, &c., August 26, 1847.

Reply.

The undersigned, minister of interior and exterior relations, has had the honor to receive and place before his excellency the president *ad interim* of the republic the note in which, in consequence of the armistice made by the general-in-chief of the troops of the United States, the Sor. D. Nicolas Trist, commissioned by the government of that nation, under the date of yesterday, manifests his readiness to treat with the commissioner or commissioners of this republic concerning the propositions of peace which he is authorized to make, asking that an early day may be named for their meeting at some point which may be esteemed convenient to both parties.

The undersigned has received orders from his excellency the president to manifest to Mr. Trist, in reply, that he is occupied in the appointment of commissioners to hear the propositions which Mr. Trist may be pleased to make. They will meet to-morrow at 4 o'clock, p. m., in the town of Atzacapuzalco, a point intermediate to those occupied by the forces of either nation, provided that Mr. Trist does not find the place of meeting inconvenient. The undersigned offers to Mr. Trist the assurance of his distinguished consideration.

J. R. PACHECO.

To Don NICOLAS TRIST, &c., &c., &c.

TACUBAYA, August 26, 1847.

Mr. Trist to
the Minister
of Relations.

The undersigned, commissioner of the United States of America, has the honor to acknowledge the receipt of the note from his excellency Sor. Pacheco, minister of relations of Mexico, of this date, by which he is informed that commissioners on the part of Mexico will, on the morrow, at 4 o'clock, p. m., pass over to the town of Atzacapuzalco, if the undersigned should not find the lo-

cation inconvenient, at which place the meeting will be verified, being a point intermediate to those occupied by the respective forces of the two nations.

The undersigned has the honor to say that he accepts with pleasure this invitation, with a confiding hope that this first interview will be speedily followed by a satisfactory adjustment of all differences between two sister republics. He reiterates to Sor. Pacheco the assurance of his distinguished consideration.

N. P. TRIST.

To his Excellency D. J. R. PACHECO,
Minister of relations of the Mexican republic.

Resolution of the most excellent sor. president, in cabinet council, August 25, 1847.

The armistice sought by the enemy's general having been made, it becomes the duty of the Mexican government to appoint commissioners to hear, nothing more, the propositions for peace which the commissioner on the part of the United States, in the name of his government, may wish to make. The following are nominated: the representative Don Jose Joaquin de Herrera, magistrate of the supreme court of justice, Don Antonio Monjardin, and Don Antonio Garay, who shall be notified of their respective appointments, in which they will be required to meet to-morrow at 11 o'clock, a. m., in the office of the minister of relations, with whom they shall pass to the habitation of the president to receive the instructions agreed upon in cabinet council.

The minister of relations shall make a memorandum, which shall be placed in their hands by the president. This shall be confined to prescribing to them their true mission, which is nothing more at present than to hear the propositions for peace, which, in the name of the government of the United States, it pretends to make to the government of Mexico, the purport of which shall be transmitted immediately to the president, in order that he, with his cabinet, may determine what is convenient to be done in the premises. The government then reserves to itself the right to give sufficient instructions to its commissioners to enable them to enter upon the preliminaries of the negotiation, and will advise them during its progress, through the minister of relations, of all necessary steps to enable them to discharge in the best manner the duties of their commission, it being understood that they will agree to nothing definitively, without the previous approbation of the government.

[This act bears the sign manual of the president and his four ministers.]

Order for the
appointm't of
commiss'ners.

Letter from
the Minister
of Relations
to Gen. Her-
rera.

MOST EXCELLENT SIR: The armistice sought by the general-in-chief of the troops of the United States has been concluded. It is now necessary to appoint commissioners who may hear the propositions of peace which that nation desires to make through its commissioner. The most excellent sor. president *ad interim* having full knowledge of, and confidence in, the patriotism, intelligence, and other commendable qualities which adorn your excellency, has thought proper to appoint you, together with a magistrate of the supreme court of justice, D. Antonio Fernandez Monjardin, and Sor. D. Antonio Garay, in whom he recognizes the same estimable qualities, commissioners for the purpose here indicated.

In the critical position in which our country is found, no one of its sons can or sought to shut his ears to its call. His excellency the president does not doubt that your excellency, as well as the other persons named, well cheerfully lend their aid to execute this important service. In consequence, I expect you will meet tomorrow, at 11 o'clock, in the office of the minister of relations, from whence we will pass to the habitation of the chief magistrate of the republic, who will communicate to you the instructions determined upon in cabinet council.

I renew to your excellency the assurance of my distinguished consideration.

God and liberty! August 25, 1847.

PACHECO.

The Most Excellent Sor. D. JOSE JOAQUIN DE HERRERA.

Same letter
to Monjardin
and to Garay.

I this day say to the most excellent Sor. General D. Jose Joaquin de Herrera as follows, (*a copy of the preceding communication is inserted*), and have the honor of transmitting it to you, in order that it may produce a corresponding effect in that part which relates to you. At the same time, I renew the testimony of my esteem to you both.

God and liberty! August 25, 1847.

To the Sor. Magistrate DON ANTONIO FERNANDEZ MONJARDIN and Sor. DON ANTONIO GARAY.

Gen. Herrera declines to
act as com-
missioner.

MOST EXCELLENT SIR: Your official note of this date has informed me that the most excellent president has been pleased to appoint me, in union with the magistrate of the supreme court, Don Antonio Monjardin, and Sor. Don Antonio Garay, to hear the propositions of peace which the commissioner of the government of the United States desires to make. As a Mexican who de-

sires the good of my country, I ought to remind your excellency that I was at the head of the government in the year 1845, at which time the government of the United States proposed to send a commissioner to regulate the differences which, on account of Texas, had disturbed that harmony which ought to exist between coterminous republics. For having expressed my willingness to receive him, and hear his propositions, my administration was calumniated in the most atrocious manner, and finally resulted in a revolutionary fermentation, which separated me from the command. If I were to take any part in the affair at this time, the floodgates of calumny would again be opened with renewed violence; and no matter how honorable or advantageous terms might be obtained, taking into view our present circumstances, they would be badly received at my hands—much more so than if others had the management of the affair. Other reasons might be alleged to excuse me; but it appears to me that the foregoing is sufficient to induce the most excellent sor. president to admit my renunciation of the honorable commission with which he has been pleased to encharge me.

I have the honor to present this in answer to your official note, and to offer to you the consideration of my just regard.

God and liberty! Mexico, August 25, 1847.

JOSE J. HERRERA.

To the Most Excellent Minister of Relations Don JOSE RAMON PACHECO.

MOST EXCELLENT SIR: Loving my country as much as he who loves it most, there is no sacrifice I would not make for its benefit, if from that sacrifice the slightest utility would be derived. I am, unfortunately, intimately convinced that no benefit would result to it by the sacrifice of my feelings and reputation, which would necessarily take place if I accepted the appointment of commissioner to hear the propositions of the commissioner of the United States, as indicated in your letter of this day, which informed me that the most excellent president had nominated me a commissioner for that purpose.

This consideration, added to my own knowledge (I speak without any affectation of modesty) that I lack all those gifts which should adorn a diplomatic agent, commencing with my ignorance of the language of the persons with whom we are to treat, imposes upon me the necessity of refusing to accept the appointment, which I ought not to admit, being convinced that I am incapable to discharge the duties appertaining thereto.

I fully recognize the honor conferred upon me by the most excellent sor. president by this nomination, and have the honor of renewing to your excellency the assurance of my distinguished esteem.

God and liberty! Mexico, August 25, 1847.

ANTONIO FERNANDEZ MONJARDIN.

To the Most Excellent Sor. SECRETARY OF STATE AND OF FOREIGN AND INTERNAL RELATIONS.

Garay declines to act.

MOST EXCELLENT SIR: Last night at 8 o'clock I received your excellency's note of yesterday, in which you were pleased to inform me that the most excellent President has thought proper to nominate me, in union with General Don Jose Joaquin de Herrera, and the magistrate of the supreme court of justice, Don Antonio Fernandez Monjardin, commissioners to hear the propositions of peace which the United States desire to make through their commissioner.

This trust, most excellent Sor., I understand will hereafter be extended to authorize them to confer upon the preliminaries of peace. I esteem it to be a very great trust, because the business which will be brought before it is very delicate and difficult to manage. If it has been heretofore merely a subject of discussion, it has now become a matter of conflict to the nation, and more particularly to the capital of the republic.

On this movement depends the national honor, which has already suffered by the war; and, according to the course of events, it may yet suffer greater evils than is apprehended. I understand the object of this mission does not extend to conclude a peace, but to propose all the preliminaries for it. The trust, nevertheless is difficult, because the actual relations of our affairs is becoming more complicated, and to manage them properly will require the most comprehensive intelligence. I cannot flatter myself that my limited capacity would enable me to fill the public expectation during the period of initiation, adjustment, and conclusion of a treaty; and as there is an infinity of Mexicans who, endowed with superior abilities, likewise possess the public confidence, by which they would be enabled to promote the public interest even in the initiative of the treaty to a much greater extent than I could possibly do, the true interest of this grave and important business impels me to decline accepting the appointment which the most excellent Sor. President has been pleased to confer upon me, and the duties of which are infinitely superior to my abilities.

I beg your excellency will be pleased to make this known to the most excellent Sor. President, to whom you will give my cordial thanks for this distinguished mark of his confidence in me, and assure him, at the same time, that I am fully convinced of the difficulties which environ this affair, as well as my own insufficiency to manage it. I must and will, therefore, always refuse to accept the appointment which his excellency has conferred upon me. I renew to your excellency the considerations of my respect and esteem.

God and liberty! Tacubaya, August 26, 1847.

ANTONIO GARAY.

To the Most Excellent

Sor. MINISTER OF FOREIGN AND INTERNAL RELATIONS.

MOST EXCELLENT SIR: I have laid before the most excellent Sor. President *ad interim* your official note of yesterday, in which you desire to be excused for not accepting the appointment of commissioner to hear the propositions for peace which the government of the United States wishes to make through its commissioner. In answer thereto he has ordered me to say to you, as I now do, that the same reasons which you invoke were those which induced him to select you as one of the commissioners. Those reasons advanced by you go to prove that two distinct administrations, influenced by diverse circumstances, have agreed on this essential point, that it is convenient for us to hear those propositions which it is announced will put an end to the evils of war. For which reason his excellency persists in his desire that your excellency will take charge of this grave and delicate business, to which end he invokes your well known patriotism and hitherto earnest desire to promote the interest of the republic.

The President insists upon Herrera's acceptance.

Your excellency will see, by the accompanying copy of a communication directed to Sor. Don Nicolas Trist, that the meeting should take place to-morrow at 4 o'clock, p. m., in the town of Atzacapuzalco. His excellency the President will deliver to your excellency the instructions by which you are to be regulated. I renew to your excellency the assurance of my especial consideration.

God and liberty! Mexico, August 26, 1847.

PACHECO.

To the Most Excellent

Sor. Gen. of Division DON JOSE JOAQUIN DE HERRERA.

Gen. Herrera
accepts.

MOST EXCELLENT SIR: From your excellency's note of this date, I see with regret that the most excellent President has not esteemed the principal reason set forth in my anterior communication to be just. I wished to be excused from accepting the honorable appointment of commissioner to hear the propositions of peace which the commissioner of the United States wishes to make; but inasmuch as the most excellent Sor. President considers it necessary that I should render this service, I am ready to do it, as well as to make any other sacrifice by which the country would be benefitted.

All of which I have the honor to say in answer to your excellency's note, offering to your acceptance my due consideration and esteem.

God and liberty! Mexico, August 26, 1847.

JOSE J. DE HERRERA.

To the Most Excellent

Sor. Minister of Relations, D. JOSE RAMON PACHECO.

Gen. Mora
invited to act.

The armistice initiated by the general-in-chief of the United States is concluded; it is now necessary to appoint commissioners who may hear the propositions which that nation wishes to make through its commissioner. His excellency the president *ad interim* having full knowledge of, and confidence in, the patriotism, intelligence, and other commendable qualities which adorn your excellency, has thought proper to appoint you, in union with the most excellent Sor. D. Jose Joaquin de Herrera and another individual in whom are recognised the same qualifications.

In these critical times for our country, none of her sons can or should be deaf to her call. His excellency the president [does not doubt] that you and the others mentioned will cheerfully lend your aid to execute this interesting duty. In consequence, he expects you will call to-morrow, at 11 o'clock, at the office of this ministry, from whence we will pass to the habitation of the chief magistrate of the republic, who will communicate to you the instructions determined upon in cabinet council.

I renew to you the assurance of my distinguished consideration.

God and liberty! Mexico, August 26, 1847.

PACHECO.

To General Don IGNACIO MORA Y VILLAMIL.

MOST EXCELLENT SIR: I have received your excellency's communication of this date, in which you are pleased to inform me that the time has arrived for us to hear propositions of peace which the commissioner of the United States is desirous to make. Further, that the most excellent Sor. President has thought proper to nominate me as one of the individuals who ought to form the commission that is to meet the commissioner of the United States, for which purpose we must meet to-morrow morning at your office to receive the necessary orders.

Grateful for the confidence shown by nominating me to this delicate mission, I do not feel at liberty to decline, and will meet at the office of the minister of relations to-morrow, as you desire, and will spare no efforts on my part to insure good results to the commission.

I renew to you the assurance of my distinguished consideration.

God and liberty! Mexico, August 26, 1847.

IGNACIO DE MORA Y VILLAMIL.

To the Most Excellent MINISTER OF RELATIONS.

August 27, 1847.

This day the licentiate Don Jose Bernado Couto and Don Miguel Atristain were nominated commissioners; the commission is therefore composed of the following persons:

Don Jose Joaquin de Herrera, general and representative in Congress.

Don Jose Bernado Couto, licentiate and representative in Congress.

Don Ignacio Mora y Villamil.

Don Miguel Atristain, licentiate.

Don Jose Miguel Arroyo, secretary and interpreter.

MOST EXCELLENT SIR: Although I do not possess the necessary aptitude to execute in a satisfactory manner the commission which the supreme government has thought proper to encharge me with, as intimated in your excellency's note of to-day, and notwithstanding that the state of my health has for some time past obliged me to abandon all business, and taking into consideration the unfortunate situation in which the republic finds itself, I feel that no Mexican should withhold his services when required by the public authorities. I accept the aforesaid commission, and will immediately present myself as required, in order to receive the instructions of

Gen. Mora
accepts.

Members of
the commis-
sion on the
part of Mexi-
co.

Senor Couto
accepts.