

CHAPTER XII

FIRST EFFORTS AT NEGOTIATION

CHAPTER XII

FIRST EFFORTS AT NEGOTIATION

I SHALL now consider first, the proposition of the United States made during the armistice; second, the counter proposition of Mexico, which brought about the termination of the armistice; and, third, the conclusions which were finally embodied in the treaty by which hostilities were terminated and peace assured.

Mr. Nicholas P. Trist, our commissioner, was a man of some experience in diplomacy and of respectable talents for negotiation. He was persevering, courteous, tactful, conciliatory, but unyielding. He had learned tenacity in a rare school as the private secretary of President Andrew Jackson. His powers were ample. His instructions were comprehensive. Roughly speaking, he was directed to propose peace to Mexico upon

CONQUEST OF THE SOUTHWEST

the cession of all territory north of the Rio Grande and the Gila, including the peninsula of Lower California. For this, in an attempt to justify a high-handed proceeding and change a theft into a forced sale, he was authorized to offer a sum not exceeding twenty millions of dollars. The Mexican government rejected this proposition unanimously and presented a counter project, which proposed to fix the boundaries between the two countries as follows:

“Commencing in the Gulf of Mexico, three leagues from land, opposite the southern mouth of the bay of Corpus Christi [the boundary] shall run in a straight line from within the said bay to the mouth of the Nueces River, thence through the middle of that river in all its course to its source, from this point in a straight line until it meets the present frontier of New Mexico on the east-south-east side until it touches the thirty-seventh degree, which will serve as a limit to both republics, from the point in which it touches the said frontier of the west of New Mexico to the Pacific Ocean.”¹

¹ History of the Mexican War, by General Cadmus M. Wilcox.

FIRST EFFORTS AT NEGOTIATION

This proposal, while it did not yield all that the United States demanded, was a tremendous concession. The vast extent of territory thus delimited included the greater part of Texas, all of Utah, practically all of Nevada and the upper part of California. The thirty-seventh parallel of latitude is the northern boundary of the present territories of New Mexico and Arizona, which, with all of California below Santa Cruz, on the north shore of the Bay of Monterey about ninety miles below San Francisco, together with the lower peninsula, hapless Mexico sought to retain.

In transmitting this proposition, the Mexican commissioners accompanied it with a note, which in its simplicity, its honesty, and its dignity, and coming as it did from a weaker power to a stronger, from a conquered country to its conqueror, reflects the highest credit on the Mexican commissioners, besides furnishing one of the best explanations as well as justifications of the position of their country:

CONQUEST OF THE SOUTHWEST

" Article 4th of the *projet*, which you were pleased to deliver to us on the evening of the 27th ultimo, and which was discussed at our previous conferences, imports the cession of part of Mexico: 1st. The State of Texas. 2d. Of the territory without the limits of the said State, which extends to the left bank of the Bravo and to the southern boundary of New Mexico. 3d. All New Mexico. 4th. Of the two Californias.

" The war which now exists has been caused solely on account of the territory of the State of Texas, to which the Republic of North America presents as a title the act of the same State by which it annexed itself to the North American Confederacy, after having proclaimed its independence of Mexico. The Mexican Republic agreeing (as we have manifested to you that it does) on account of the owing indemnity, to the pretensions of the Government at Washington to the territory of Texas, the cause of the war has disappeared, and it should cease, since all the reasons for continuing it have ceased to exist. In regard to the other territories comprehended in the fourth article of your *projet*, until now the Republic of North America has urged no claim, nor did we believe it possible that any could be alleged. It then could not acquire them by right of conquest, or by that which would re-

FIRST EFFORTS AT NEGOTIATION

sult from sale or cession, to which it would now force Mexico. But as we are persuaded that the Republic at Washington would not only absolutely repel but would hold in odium the first of these titles, and as, on the other hand, it would be a new thing that war should be made upon a people for the simple reason that it refuses to sell a territory which its neighbor wishes to purchase, we hope, from the justice of the government and people of North America, that the great modification which we have to propose of the cession of territory (without the State of Texas), which is claimed in the said article 4, will not be considered a motive for continuing a war which the worthy General of the North American forces has justly characterized as *uncommon-desnaturalizanda*.

" In our conferences we have declared to you that Mexico can not cede the belt of land comprehended between the left bank of the Bravo and the right of the Nueces. The reason of this is not only the full certainty that the stated territory never has belonged to the State of Texas, nor that it is of great value considered in itself. It is that this zone, with the Bravo at its back, forms the natural frontier of Mexico, as much in a military as in a commercial point of view; and of no people should it be claimed, nor should any people consent to

CONQUEST OF THE SOUTHWEST

abandon such a frontier. But, in order to remove all cause for dissension for the future, the Government of Mexico binds itself not to found new settlements or establish colonies in the space between the two rivers; in this manner preserving it in the depopulated state in which it now exists, presenting equal security to both republics. The preservation of this territory is, according to our instructions, a condition *sine qua non* of peace. Sentiments of honor and delicacy (which your noble character will cause you to estimate properly), more than a calculation of interest, prevent our government from consenting to the dismemberment of New Mexico. On this point we believe it to be superfluous to add anything to what we have already stated to you in our conference.

"The cession of Lower California, little profitable to North America, offers great embarrassments, considering the position of that peninsula opposite our coasts of Sonora, from which it is separated by the Gulf of Cortez.

"You have given to our observations on this subject their true value, and we have learned with satisfaction that you have been convinced by them.

"Besides the preservation of Lower California, it would be necessary for Mexico to retain a portion of the upper; otherwise that peninsula would

FIRST EFFORTS AT NEGOTIATION

remain without land communication with the remainder of the republic, which would always be a great embarrassment, especially for a non-maritime power such as Mexico. The cession of the part of Upper California offered by our government (for the compensation) will not bring to the United States merely fertile lands and intact mineral wealth, but presents the advantage of an interrupted communication with its territory of Oregon. The wisdom of the Government of Washington and the energy of the American people will know how to draw abundant fruits from the acquisition which we now offer them. . . .

"We have entered into this ingenuous explanation of the motives of the republic for not ceding all the territory beyond the boundaries of Texas which is required of it, because we desire that the government and North American people should be convinced that our partial negative does not proceed from sentiments of aversion generated by the events of this war, or by what it has caused Mexico to suffer, but only from considerations dictated by reason and justice, and which would equally influence at any time with the most friendly people, and in the midst of relations of the strictest amity. . . .

"The salutary work of peace can not, in our

CONQUEST OF THE SOUTHWEST

opinion, come to a happy termination if each one of the contending parties should not resolve to abandon some of its original pretensions. This has in all cases happened and all nations have not hesitated in such cases to make great sacrifices to extinguish the desolating flame of war. Mexico and the United States have special reasons for acting in this manner. Not without sorrow ought we to confess that we are giving to humanity the scandalous example of two Christian peoples of two republics in the view of all the monarchies, who, for a dispute concerning boundaries, mutually do themselves all the injury that is possible, when we have more land than is sufficient to populate and cultivate in the bountiful hemisphere in which Providence has cast our lot."¹

Had the United States been at war simply for the settlement of the western boundary of Texas, and to secure the payment due its citizens from Mexico of amounts which had been awarded by the agreement of 1842, but which had never been paid, certainly here were concessions great enough to have satisfied all the demands of the most exacting advocate of the

¹ History of the Mexican War, by General Cadmus M. Wilcox.

FIRST EFFORTS AT NEGOTIATION

war, which had been, in the language of its promoters, undertaken "to conquer peace." But the United States had determined upon what it would have and it would be content with no less. *Vae Victis*. Trist's orders were peremptory as to the greater part of the demand. He had no authority to substitute the Mexican proposition for his own, although he had been authorized to concede Lower California to Mexico, and had professed his willingness so far to abate his original demand. As to the rest, so well were the sentiments of the administration known to Trist that he did not think it worth while even to refer the Mexican proposition to the President.

The armistice had been maintained with some difficulty and there had been violation upon both sides. Perceiving that the commissioners of the two powers had come to an *impasse* and that further negotiations would be useless, Scott notified Santa Anna that he considered the armistice terminated and advised him to be governed accordingly.