

late hour, the English original was handed to Gen. Taylor for his examination; the Spanish original having been sent to Gen. Ampudia. Gen. Taylor signed and delivered, to Col. Davis, the instrument as it was submitted to him; Col. Davis returned to the conference room to receive the Spanish original with Gen. Ampudia's signature, that they might be respectively countersigned, the originals to be retained by the parties originating them.

Gen. Ampudia did not sign the Spanish instrument, as was expected, but came himself to meet the commissioners. He raised many points that had been previously discussed and settled; and showed a disposition to have the copy of the Spanish capitulation very different from the English one. Gen. Worth was absent. He, Gen. Ampudia, was finally required to sign the instrument prepared for his own commissioners, and the English original was left with him, that he might have it translated, (which he promised to do that night,) and be ready the next morning with a Spanish duplicate of the English instrument left with him. By this means the two instruments would have been made to correspond, and Gen. Ampudia be compelled to admit his knowledge of its contents before he signed it. Late that night a heavy tramp of horsemen was heard coming out of the city, and winding towards "head-quarters." It was Mexican cavalry escorting Gen. Taylor to his tent. The treaty had been completed, and Monterey had surrendered.

CHAPTER XII.

Morning of the 25th—Difficulties of wording of the terms of capitulation—Its consummation—Effects on the citizens—Surrender of the Citadel—Appearance of the enemy—Description of the Citadel—Interior of the city—The Montereyans—Marching out of the Mexican troops—Ampudia's departure.

ON the morning of the 25th, the commissioners again met; and again the attempt was made, on the part of the Mexican commissioners, to gain by extraordinary solicitation some favorable additions to this compact. Already had the American commissioners adopted the word *capitulation* in lieu of *surrender*; the effort was now made to have the word *stipulation* used instead of *capitulation*. It finally became necessary to make a peremptory demand for the immediate signing of the English instrument by Gen. Ampudia, and the literal translation (now perfected) by the commissioners and their general. The Spanish instrument, first signed by Gen.

Memoranda of the transactions in connection with the Capitulation of Monterey, capital of Nueva Leon, Mexico.

By invitation of Gen. Ampudia, commanding the Mexican army, Gen. Taylor, accompanied by a number of his officers, proceeded on the 24th of September, 1846, to a house designated as the place at which Gen. Ampudia requested an interview. The party being convened, Gen. Ampudia announced, as official information, that commissioners from the United States had been received by the government of Mexico; and that the orders under which he had prepared to defend the city of Monterey, had lost their force by the subsequent change of his own government. A brief conversation between the commanding generals showed their views to be so opposite as to leave little reason to expect an amicable arrangement between them.

Gen. Taylor said he would not delay to receive such propositions as Gen. Ampudia indicated. One of Gen. Ampudia's party, I think the governor of the city, suggested the appointment of a mixed commission; this was acceded to, and Gen. W. J. Worth, of the United States army, Gen. J. Pinkney Henderson, of the Texan volunteers, and Col. Jefferson Davis, of the Mississippi riflemen, on the part of Gen. Taylor, and Gen. J. Ma Ortega, Gen. P. Requena and Señor, the governor, M. Ma Llano, on the part of Gen. Ampudia, were appointed.

Gen. Taylor gave instructions to his commissioners, which, as understood, for they were brief and verbal, will be best shown by a copy of the demand which

Ampudia, was destroyed in presence of his commissioners. The translation of our own instrument was countersigned by Gen. Taylor, and delivered. The agreement was complete, and it only remained to execute the terms.

The humbler citizens of the city, without waiting for the official announcement of the capitulation, abandoned themselves to lively demonstrations of joy at the event. They flocked in numbers to the quarters of our soldiers, distributing oranges, apples, pomegranates, dried figs, corn and wheat bread; all of which were most eagerly purchased by our half-starved troops, who, the excitement of war being somewhat past, had time to attend to appetites sharpened by two days' hunger, and increased by hard labor and the greatest exposure to the elements.

The hour for the fulfilment, on the part of the Mexicans, of the first article of the capitulation soon arrived. Gen. Taylor intrusted the duty of seeing it performed to Gen. Worth, who appointed two companies of each regiment in his division, with one section of each battery, under the immediate superintendence of Col. P. F. Smith, to take possession of the citadel. Gen. Taylor and most of the distinguished officers of the army, graced the interesting cere-

the United States commissioners prepared in the conference room here incorporated.

Copy of demand by the United States commissioners.

1. As the legitimate result of the operations before this place, and the present position of the contending armies, we demand the surrender of the town, the arms and munitions of war, and all other public property within the place.
2. That the Mexican armed force retire beyond the Rinconada, Linares and San Fernando on the coast.
3. The commanding general of the army of the United States agrees that the Mexican officers reserve their side-arms and private baggage; and the troops be allowed to retire under their officers and without parole, a reasonable time being allowed to withdraw the forces.
4. The immediate delivery of the main work, now occupied, to the army of the United States.
5. To avoid collisions, and for mutual convenience, that the troops of the United States shall not occupy the town until the Mexican forces have been withdrawn, except for hospital purposes, storehouses, etc.

The terms of the demand were refused by the Mexican commissioners, who drew up a counter proposition of which I only recollect that it contained a permission to the Mexican forces to retire with their arms. This was urged as a matter of soldierly pride, and as an ordinary courtesy. We had reached the limit of our instructions, and the commission rose to report the disagreement.

mony by their presence. On one side of the road leading to the citadel, stood the greater portion of the Texan volunteers, and opposite to them that portion of the regular army that was to occupy the citadel. The tri-colored flag of Mexico fell from its high estate and disappeared from over the walls where it had so long waved. The Mexicans employed the moment in sounding their last shrill bugle notes, and disturbing the air with the cannon's roar. In an instant the stars and stripes ascended to the breeze, and unfolded amidst the united cheers of thousands of hearty voices. It was now that thundering cannon opened their mouths again in exultation, and they seemed, though Mexican, to speak louder and fiercer, as they woke up the echoes among the mountains; while from every fort and height, the stars and stripes multiplied, and the booming cannon answered back, mingling ten thousand echoes into one, while the powerful strains of martial music dashed in with its well-timed cadence, altogether forming a sublime whole seldom witnessed even in the imposing circumstance of war. The enemy, with evident humiliation, with dejected look and faltering step, abandoned their stronghold; upon many were marked the look of bitterness, upon some that of sorrow, while from the dark red

Upon returning to the reception room, after the fact had been announced that the commissioners could not agree upon terms, Gen. Ampudia entered at length upon the question, treating the point of disagreement as one which involved the honor of his country, spoke of his desire for a settlement without further bloodshed, and said he did not care about the pieces of artillery which he had at the place. Gen. Taylor responded to the wish to avoid unnecessary bloodshed. It was agreed that the commission should re-assemble, and we were instructed to concede the small arms; and I supposed there would be no question about the artillery. The Mexican commissioners now urged that, as all other arms had been recognised, it would be discreditable to the artillery if required to march out without any thing to represent their arm, and stated, in answer to an inquiry, that they had a battery of light artillery, manœuvred and equipped as such. The commission again rose and reported the disagreement on the point of artillery.

Gen. Taylor, hearing that more was demanded than the middle ground upon which, in a spirit of generosity, he had agreed to place the capitulation, announced the conference at an end, and rose in a manner which showed his determination to talk no more. As he crossed the room to leave it, one of the Mexican commissioners addressed him, and some conversation which I did not hear, ensued. Gen. Worth asked permission of Gen. Taylor, and addressed some remarks to Gen. Ampudia, the spirit of which was that which he manifested throughout the negotiation, viz.: generosity and leniency, and a desire to spare the further effusion

eyes of Aztec blood flashed deep yearnings of revenge. The noise of the artillery sustained them in their march. It was well conceived that their situation should not alone attract the mind. Our artillery and infantry soon displayed and marched within the strong walls of the citadel. In the tumult was heard the shrill notes of Yankee doodle, in which fife and drum seemed to laugh and carol, and sport the familiar notes, until sturdy war-worn breasts heaved with emotion, and the tear fell amidst thoughts of home and American glory.

A casual glance at the citadel exhibited it as a place of immense strength as a military fortification. The walls were over eight feet high, and of the most unusual thickness, being perfectly invulnerable, except from the very heaviest metal. The interior was made still stronger, by being occupied by the bases of the powerful pillars of an intended cathedral of immense size. Around the whole, was thrown a ditch of unusual width and depth. That the fort could have been carried by storm by our troops, no one who saw it had a doubt, but it would have been at a sacrifice of life (aside from consulting the claims of humanity) that could not have been made by the force under Gen. Taylor at the time, if it

of blood. The commission re-assembled, and the points of capitulation were agreed upon. After a short recess, we again repaired to the room in which we had parted from the Mexican commissioners; they were tardy in joining us, and slow in executing the instrument of capitulation. The 7th, 8th, and 9th articles were added during this session. At a late hour, the English original was handed to Gen. Taylor for his examination; the Spanish original having been sent to Gen. Ampudia. Gen. Taylor signed and delivered to me the instrument as it was submitted to him, and I returned to receive the Spanish copy with the signature of Gen. Ampudia, and send that having Gen. Taylor's signature, that each general might countersign the original to be retained by the other. Gen. Ampudia did not sign the instrument, as was expected, but came himself to meet the commissioners. He raised many points which had been settled, and evinced a disposition to make the Spanish differ in essential points from the English instrument. Gen. Worth was absent. Finally, he was required to sign the instrument prepared for his own commissioners, and the English original was left with him that he might have it translated, (which he promised that night,) and be ready the next morning with a Spanish duplicate of the English instrument left with him. By this means the two instruments would be made to correspond, and he be compelled to admit his own knowledge of the contents of the English original before he signed it.

The next morning the commission again met; again the attempt was made, as

could possibly have been avoided without compromising the honor of our arms.

Although the interior of the city was to be in the possession of the Mexicans until they could move off their forces, many of our officers rode through the streets as far as the plaza. Upon the buildings were everywhere marked evidence of the severe contest that preceded the surrender, and it was with emotions of dread, that pools of clotted blood or stained gory walls were looked upon in other moments than those of the heat of battle. A few of the better class of citizens seemed as if they tried to deport themselves as if pleased, but, as a whole, they bore the evidence of mourning.

Many of the wealthy wore crape upon their heads, the ladies seemed nuns, threading through the streets where dwelt some pestilence. The soldiers of both armies met, but saluted constrainedly, though courteously. Ill-repressed smiles of triumph lit up the faces of many of our weather-beaten soldiers, that contrasted strangely with the dark, swarthy and sorrow-furrowed faces of the Mexicans. Citizens in many cases were hurrying to and fro, some busy in restoring order to their domicils, others packing up their movables as if in haste to depart. All was sad, and why

had often been done before, by solicitation, to gain some grant in addition to the compact. Thus we had, at their request, adopted the word *capitulation* in lieu of *surrender*—they now wished to substitute *stipulation* for *capitulation*. It finally became necessary to make a peremptory demand for the immediate signing of the English instrument by Gen. Ampudia, and the literal translation (now perfected) by the commissioners and their general. The Spanish instrument first signed by Gen. Ampudia was destroyed in presence of his commissioners; the translation of our own instrument was countersigned by Gen. Taylor and delivered. The agreement was complete, and it only remained to execute the terms.

Much has been said about the construction of article 2 of the capitulation, a copy of which is hereto appended. Whatever ambiguity there may be in the language used, there was a perfect understanding by the commissioners upon both sides as to the intent of the parties. The distinction we made between light artillery equipped and manœuvred as such, designed for and used in the field, and pieces being the armament of a fort, was clearly stated on our side; and that it was comprehended on theirs, appeared in the fact that repeatedly they asserted their possession of light artillery, and said they had one battery of light pieces. Such conformity of opinion existed among our commissioners upon every measure which was finally adopted, that I consider them, in their sphere, jointly and severally responsible for each and every article of the capitulation. If, as originally viewed by General Worth, our conduct has been in accordance with the peaceful

should it not have been so? The result of the contest was so unexpected. The people felt secure under any and all circumstances. Defeats of armies under the walls of Monterey were proverbial in their history, and it was believed that the little army of Gen. Taylor would be wasted in the attempt, even to invest the place. On the preceding Monday night, the people of Monterey had in many instances illuminated their houses; fire-works and rockets enlivened the darkness of the streets, and Gen. Ampudia, in the ecstasy of his delusive strength, even went so far as to issue orders for fifteen hundred cavalry, to go to the rear of our army and cut off its retreat; now all was changed, and despair brooded over the Montereyans.

The three days following the occupation by our troops of the citadel, were busily employed by the Mexicans in leaving Monterey. The immense numbers that continually threaded the streets, was a subject of universal remark, and taken in connection with the strength of the fortifications which they had deserted, made it incomprehensible that the city should have been yielded to our possession.

The First Division marched out on the 26th, the Second on the

policy of our government, and shall in any degree tend to consummate that policy, we may congratulate ourselves upon the part we have taken. If otherwise, it will remain to me, as deliberate opinion, that the terms of the capitulation gave all which could have followed, of desirable result, from a further assault. It was in the power of the enemy to retreat, and to bear with him his small arms, and such a battery as was contemplated in the capitulation.—The other grants were such as it was honorable in a conquering army to bestow, and which it cost magnanimity nothing to give.

The above regulations are submitted to Gens. Henderson and Worth for correction and addition, that the misrepresentation of this transaction may be prevented by a statement made whilst the events are recent and the memory fresh.

JEFFERSON DAVIS,
Colonel Mississippi Riflemen.

CAMP NEAR MONTEREY, Oct. 7, 1846.

The above is a correct statement of the leading facts connected with the transactions referred to, according to my recollection. It is, however, proper that I should further state that my first impression was that no better terms than those first proposed, on the part of Gen. Taylor, ought to have been given, and I so said to Gen. Taylor when I found him disposed to yield to the request of Gen. Ampudia: and, at the same time, gave it as my opinion that they would be accepted by

27th, and on the succeeding day the remainder. Each division appeared to number between two and three thousand men, most efficiently armed and equipped. A large force of cavalry had been known to leave the city in small detachments, while it was evidently true, that all the citizens capable of bearing arms, out of a population of fifteen thousand souls, added to the strengthening of the defences of Monterey.

Gen. Ampudia rode out at the head of the Second Division; he was accompanied by Col. Bailie Peyton, volunteer aid to Gen. Worth in the storming of the heights; Major Scott of the Fifth Infantry, Lieuts. Deas, Hanson, Robinson, and McLaws, riding in with the commander of the division. The Mexicans, as a mass, appeared to look upon the whole affair as an ordinary occurrence in their history. The soldiers, four abreast, including the three pieces of artillery, made a line nearly a mile in length. In the rear followed the strangest medley of hangers-on of a camp, that ever met the eye. Youth and age, beauty and ugliness, donkeys and dogs, rags and finery, all mingled together in strange confusion, and told a volume against the discipline of a Mexican army.

him before we left the town. Gen. Taylor replied that he would run no risk where it could be avoided; that he wished to avoid the further shedding of blood; and that he was satisfied that our government would be pleased with the terms given by the capitulation; and being myself persuaded of that fact, I yielded my individual views and wishes, and under that conviction I shall ever be ready to defend the terms of the capitulation.

J. PINKNEY HENDERSON,
Major Gen., commanding the Texas Volunteers.

I not only counselled and advised, the opportunity being offered the general-in-chief, the first proposition, but cordially assented and approved the decision taken by Gen. Taylor in respect to the latter, as did every member of the commission, and for good and sufficient military and national reasons, and stand ready, at all times and proper places, to defend and sustain the action of the commanding general and participation of the commissioners. Knowing that malignants, the tremor being off, are at work to discredit and misrepresent the case, (as I had anticipated,) I feel obliged to Col. Davis for having thrown together the materials and facts.

W. J. WORTH,
Brig. Gen. commanding Second Division.

MONTEREY, Oct. 12, 1846.

Some regiments were composed of fine-looking men, particularly those from the mountainous districts—the troops from the sea-board being degenerated and less unmixed in blood than those from the interior. The private soldier of the Mexican army, at best, however, is a degraded being—a strange representation of different races, where the evil qualities of each particular one is alone retained.

The *mestizos* or half-breeds were most numerous, with their mysterious eye, aboriginal hair, and Spanish gait. The pure Indian appears constrainedly in the equipments of civilized warfare. African blood maintained a strange equality with the other races. Of these crude materials seemed to be composed the Mexican army. The officers, as a general thing, on the contrary, were men of intelligent appearance, often of fine bearing, and all immeasurably above the beings they commanded. In them were seen the *creoles* of the country, of Castilian origin. Between nine and ten thousand soldiers of every kind left Monterey, after the capitulation, and pursued their way towards Saltillo.

The moment the time set for their departure had passed, the

Terms of the Capitulation of the City of Monterey, the capital of Nueva Leon, agreed upon by the undersigned commissioners, to wit: Gen. Worth of the U. S. A.; Gen. Henderson, of the Texan volunteers; and Col. Davis, of the Mississippi Riflemen, on the part of Major Gen. Taylor, commanding in chief the United States forces; and Gen. Requena and Gen. Ortega, of the Army of Mexico, and Senor Manuel M. Llano, Governor of Nueva Leon, on the part of Senor Gen. Don Pedro Ampudia, commanding in chief the Army of the North of Mexico.

ARTICLE 1. As the legitimate result of the operation before the place, and the present position of the contending armies, it is agreed that the city, the fortifications, cannon, the munitions of war, and all other public property, with the under-mentioned exceptions, be surrendered to the commanding general of the United States forces now at Monterey.

ART. 2. That the Mexican forces be allowed to retain the following arms, to wit: The commissioned officers their side arms; the infantry their arms and accoutrements; the cavalry their arms and accoutrements; the artillery, one field battery, not to exceed six pieces, with twenty-one rounds of ammunition.

ART. 3. That the Mexican armed force retire within seven days from this date beyond the line formed by the pass of the Rinconada, the city of Linares, and San Fernando de Potos.

ART. 4. That the citadel of Monterey be evacuated by the Mexican and occupied by the American forces to-morrow morning, at 10 o'clock.

streets were filled with the curious of our army, who wished to witness the sights presented at so much cost. Gen. Worth took possession as governor of Monterey, and established his headquarters in the main plaza. Every thing soon settled into the dull routine of camp life, and in the hospitals or at the grave were alone enacted scenes that stirred up the heart or excited thrilling emotions.

ART. 5. To avoid collisions, and for mutual convenience, that the troops of the United States will not occupy the city until the Mexican forces have withdrawn, except for hospital and storage purposes.

ART. 6. That the forces of the United States will not advance beyond the line specified in the third article before the expiration of eight weeks, or until the orders of the respective governments can be received.

ART. 7. That the public property to be delivered shall be turned over and received by officers appointed by the commanding generals of the two armies.

ART. 8. That all doubts, as to the meaning of any of the preceding articles, shall be solved by an equitable construction, and on principles of liberality to the retiring army.

ART. 9. That the Mexican flag, when struck at the citadel, may be saluted by its own battery.

W. J. WORTH,

Brig. Gen. U. S. A.

J. PINKNEY HENDERSON,

Major Gen. commanding Texan Volunteers.

JEFFERSON DAVIS,

Col. Mississippi Riflemen.

J. M. ORTEGA,

T. REQUENA,

MANUEL M. LLANO

Approved:

PEDRO AMPUDIA.

Z. TAYLOR,

Major Gen. U. S. A. commanding.

Dated at MONTEREY, Sept. 25, 1846.