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Some of the Causes  
Of the Mexican War

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SOME OF THE CAUSES OF THE MEXICAN WAR

BY

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A. B. University of Illinois, 1908

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THESES

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## A Study of Some of the Causes of the Mexican War.

### CHAPTER I.

#### A Glance at Conditions in Mexico Previous to the Texan War for Independence.

A study of the causes of the Mexican war should be preceded by a glance at conditions in Mexico preceding that war, as these conditions constitute the real explanation for the perplexing array of parties and the political confusion which was largely responsible for the war itself.

One of the most important causes of the political confusion and inefficiency in government shown by Mexico in her history as an independent nation is to be found in the composition of her population. This was and is composed of the Spanish born, the native Spanish of pure blood, the Creoles, Indians, Mestizos and foreigners. In 1836 the population is given as 8,000,000, divided as follows: Indians, 4,000,000; Mestizos, that is, descendants of Indians and Spanish, 2,000,000; Creoles, or white natives of pure European descent, 1,200,000; Zambos, or Mestizos of Indian and Negro descent, and mulattoes or mestizos of white and negro ancestry, 600,000; Negroes, 100,000; foreigners 15,000, most of them Spaniards.<sup>1</sup>

It is plain that such a condition will inevitably lead to castes and class rule, and such was the case. In the days of Spanish rule the full blooded Spaniards, natives of Spain, were the only recognized society. They held all the higher offices. They were later called "Old Spaniards," and were the conservatives in politics. A report of the viceroy in 1793 gives their number at that time as less than 10,000.<sup>2</sup>

When one considers the fact that the Creoles who were of pure European descent, were classed as no better than the Indians by the "Old Spaniards,"

1 See Niles Register, Vol. 50, p. 123.

2 Quoted by Noll "From Empire to Republic," p. 14.





and at the same time considered themselves as the equals of the native Spaniards, sufficient cause is seen for class hatred among the white population; and when one considers the various Mestizo races, and their assumption of superiority over one another and over the Indians, it is easy to see why there was no harmony or united action on their part.

At the bottom of this pyramid of castes, or classes, of which the native Spaniards formed the apex, was the Indian race, or races, for there were many races represented in Mexico, such as the Aztecs, Zapotecs, Tarascans, Otomies, Toltecs, Tlacopans, and many others. They were scarcely recognized as having any rights which the Spaniard was bound to respect. They were centered around the large cities of the table-land, while in those cities dwelt the pure Spaniards. Although a despised class, they have given to Mexican history some of her brightest names, chief among these being Juarez, while Diaz himself is descended from the same Zacatecan race as Juarez, though not a pure blooded Indian. The system of repartimientos had been introduced, and thus a kind of slavery had been established in which the vassalage ranged from wardship to absolute slavery. Under this system the natives of the West Indies and Mexico were distributed among the Spanish colonists. It is true certain noble Spaniards tried to do away with the systematic enslavement of the Indians. Las Casas will always be remembered for his efforts in that direction, as will Don Luis Velasco, "The Emancipator." But their efforts were vain. The laws passed in Spain for the amelioration of the Indians failed of their purpose, for Spain was too far away and her hold was too weak to make such laws effective,<sup>1</sup> The maxim, "God is in his Heaven and the king is in Spain," clearly shows how hopeless was any attempt to reach the aim of justice in the Mother Country.

<sup>1</sup> On this subject see Noll--"Empire to Rep." Chap. 1, and Short Hist. of Mexico, Chap. IV. Also H. H. Bancroft's "Mexico."



It has indeed, only been recently that the lower half of the population has secured anything like equal recognition before the law.

But the Indians were not the only class who were unjustly treated. The Creole class felt themselves in every way the equals of the Spanish born population, and it galled them exceedingly that the mere fact that they were native born should bar them from official positions and the higher dignities of the church.

The Mestizos were the natural allies of the Creoles. They also were native born, and were barred from taking part in the government of their country likewise, though they had, to even a stronger degree than the Creoles, from the fact of their Indian blood, the consciousness that they were being dispossessed of those rights which their fathers held. The Mestizo in Mexico must have felt much like the Mestizo in the Phillipines did, for there too, the high dignities in the church were denied to the native Filipinos and Mestizo classes. Even among the orders of the monks the natives were barred out.

If these classes could have acted in perfect harmony it would have been impossible for the small body of "Old Spaniards" to hold supreme power in the land. But though the Creoles were classed with the Mestizos and Indians by the "Old Spaniards," they considered themselves far above both these classes. They were often people of wealth and a fair degree of culture, in every way the equals of the Spaniards. Hence they failed to make common cause with the other classes, and in this way the "Old Spaniards" continued supreme. To be an Old Spaniard was to be a conservative, an advocate of the laws of Spain, and a strong supporter of the church. The church was the power behind the government, and the laws were made with a view to upholding the privileges and powers of the numerous priest-



hood. To one who saw the influence of the church in the Phillipines up to the time of American occupation, this power of the church in Mexico is easily understood.

When one studies the government evolved by Spain for Mexico he is forced to ask himself,--was this government the cause of such conditions as existed in Mexico, or did the government take its particular form because of those conditions? Given the conditions, the classes or castes, and the relations existing between them, the government by the highest caste seems the natural result.. But we must remember that Spain is responsible for these classes, with the exception of the Indian, and therefore must be held largely responsible for the conditions, as well as for the government.

At any rate, a great many things in Mexican history can be explained by a study of the population and its division into these classes mentioned.

The worst result of such a caste government is that it renders the masses helpless. Since the machinery of government was never placed in their hands, they never learned to use it. They were thus robbed of all power of self-government. This and the fact of their own class jealousies rendered a successful revolution on their part practically impossible.

There were many causes which might well have led to a revolution. These were the tyrannical commercial laws which prohibited, under penalty of death and forfeiture of property, all trading with any other country than Spain; which for a long period opened only one Spanish port, that of Seville, to that commerce, and never more than two; which limited commerce in Mexico to the one port of Vera Cruz; which gave to a few houses the monopoly of the trade of Mexico; which prohibited the cultivation of hemp, olives, grapes, saffron, and, in general, all those things which Spain



produced in Mexico.<sup>1</sup>

There was the wretched condition of education, which was disarranged there just as it was in the Philippines. It is true Spain boasts of the first printing press in the new world, 1535, and of the first university on this continent, 1551. But the "Gaceta" issued by the press was the organ of the government, and the university was only for those who possessed a knowledge of the Spanish tongue, and judging from the number of such in the Philippines at the time of the American occupation, and by the proportion of native born Spaniards to the entire population, that number must have been relatively small. The fact is, the university never had over two hundred students at one time. Education was all in the hands of the priests, and they were not overly desirous of enlightening their charges.

There was also tyranny in religion. The inquisition was active here and the index expurgatorius barred out many of the best works of man's mind. Even after the establishment of the Republic the constitution declared that "The religion of the Mexican Nation is and will perpetually be, Roman Catholic Apostolis. The Nation will protect it by wise and just laws, and prohibit the exercise of any other whatever."<sup>2</sup> No nation ever rose to true and permanent greatness when dominated by such a spirit of bigotry.

With such conditions before one, the question arises "Why did not the people of Mexico rebel earlier than they did?" But we must remember that peoples do not rebel when they are crushed to the earth so much as when they have some liberties and wish to taste more.

The French revolution came when it did, not because the people were ground down to the lowest state of degradation at that time, but rather

<sup>1</sup> Nolls "From Empire to Republic," pp. 19-20.

<sup>2</sup> Art. 3. Const. of 1824. Quoted by Noll in "Empire to Republic," p. 105.





because they were beginning to better themselves and saw greater possibilities before them.

In some respects the revolution in Mexico was similar to the French Revolution. It came from the lower people in Mexico at first, who rose, not because they were more oppressed than usual, but rather because they were beginning to realize the power that lay in their hands, till then unused.

But the Mexican Revolution was entirely different from the French Revolution in one very important particular. It was a rising in favor of a monarch, while in France the revolution was <sup>✓</sup>against Monarchy. The Mexican people had begun to feel their political power it is true, but they were not in that advanced stage of political evolution where they could see the causes for their sufferings and find a remedy. They were as a people who had been blindfolded and at first they could not see clearly. They still retained perfect faith in the virtues of the absolute kingship. They did not ascribe any of their misfortunes to absolute monarchy itself. And when the monarchy fell before Napoleon they rose in rebellion against the usurper on the throne of the Bourbons and in defence of Charles IV, and his son Ferdinand. This in spite of the fact that Napoleon's constitution gave the Spanish colonists the same privileges as the native Spaniards, including representation in the Cortes. They, however, refused to obey the Junta of Seville. This Junta represented the people of Spain and not the king, and the people of Mexico made a sharp distinction between the two. They were willing to recognize the authority of the king, but not that of the Spanish people. The king to them represented the empire. The Spanish people simply represented Spain. They demanded a Junta for Mexico. This is practically the same thing that happened in South America



and reveals a very interesting state of mind on the part of the Spanish colonies in America.

The secret of Mexico's troubles all through this period and later, the secret of the many changes in government, the explanation for the apparent fickleness of the Mexican people, is to be found in the jealousies and hatred existing among the representatives of the different classes of Mexico's population for those of the other classes. Mexico's story has been very different from that of the United States, not because of any external fact or because of any inherent weakness of the people as a whole, but because of the mutual distrust and jealousy of one class for another, because of a lack of homogeneity in her people.

The whole period we are considering illustrates this fact.

Iturrigaray failed in his plan for home rule with representation for the nobility, for the priesthood, for the military and for each separate province, simply because the "Old Spaniards" were against any plan which countenanced the Creoles.<sup>1</sup> The revolution and the movement towards self government and final independence was crushed, because it became a question of class against class.

In the same way may be explained the failure of Hidalgo's rising in 1810.<sup>2</sup> He himself was a Creole priest and hoped to draw the Creoles into his scheme. He knew the Indian tongue and had their confidence and thus felt reasonably sure of them. But the Creoles drew back at the first victories when they saw what seemed to them the specter of Indian rule.

The story of Morelos illustrates the same fact.<sup>3</sup> It is true that in the case of both Morelos and Hidalgo, the leaders made the great mistake of sparing the City of Mexico when it was in their grasp, and some

1 See H. H. Bancroft Vol. IV. of "Mexico" Chap. II.

2 A good account is found in Alaman "Historia de Mexico," Vol. 1. Book 2.

3 For Mexican account of Morelos see Alaman Vol. II, III, IV. Books III to VII.



give this as the reason for the failure of each. But when we inquire as to the reasons that induced each to spare the city, we find that the cause was their distrust of the Indians in their army, so it comes to the same thing. Morelos was also a priest, but a Mestizo. He was as unable to unite the classes, as Hidalgo had been. Even in the church itself we see the line of division sharply drawn; for the leaders among the clergy opposed the revolution, while among the lower orders were men like Navarete, Mariano Matamoras, Dr. Cos, and father Torres, all good patriots, fighting with Morelos. Throughout the changes in constitutions and government in Spain, Morelos kept up his losing fight, only to be captured at last. He is the last victim of the inquisition in the New World. He was tried before it as a priest, degraded from the priesthood, handed over to the secular authorities and shot at San Christobal Ecatepec, December 22, 1815.<sup>1</sup>

"With Morelos ended the heroic days of the Mexican Revolution."<sup>2</sup> Juan Alvarez, who continued the struggle more as a brigand than as a leader in the South, was a full blooded Indian, and hence failed to gain a following save among the Indians; while Guerrero, one of Mexico's greatest heroes, sprang from the lower Creole classes "Included in the term Castas, utterly degraded both civilly and politically, for they were disqualified by law, custom and prejudice forever emerging from their low condition."<sup>2</sup> And even in later years, when president of the Republic, this fact of his low birth made it impossible for Guerrero to remain in that high office.<sup>3</sup>

But this is sufficient in the way of illustrations to show why independence was not gained at once. It remains for us to notice briefly how it did finally come.

1 For account of trial and death see Alaman, Vol IV, Book 7, Chap. I. And Bancroft V. IV, Chap. 25.

2 Bancroft Vol. V, p. 77.

2 Noll "Empire to Republic," p.70.

3 See Bancroft Vol. IV., pp. 651-2 on his retirement.



The very conservatism which held the higher classes from the movement at first, finally caused them to take the lead in that movement. In 1820 the Spanish constitution of 1812 was again proclaimed by the revolutionists of Spain who had taken the field upon the re-establishment of absolutism under Ferdinand. That monarch was forced to yield, and constitutional government was secure in Spain. Now that Mexico was about to secure a liberal form of government, those who had been the strongest defenders of Spanish rule began to weaken in their loyalty. They had prospered under the old system of oppression and favoritism and were in no way desirous for a change in the direction of popular rights.<sup>1</sup>

The clergy changed sides quickly. They had heard of the dissolution of the convents in Spain; of the final abolition of the inquisition; of the freeing of the press; of the seizure of the tithes of the church by the secular government, and they found that Spain was now a menace to their privileges. The liberalism of Spain, not her oppression, was the final cause of the separation of Mexico. Secret meetings were held, the priests and the "Old Spaniards" got together, took in for the time the Creoles and Mestizos, won over the former general of the viceroy forces, Augustin de Iturbide, a Mestizo himself, and once an adherent of Hidalgo; and thus was born the Plan de Iguala; which for the first time united a large part of the Mexican population in the struggle for independence. But it was no longer a struggle. The army of the viceroy went over to Iturbide, and Guerrero saw his former enemies fighting with him. From the date of the meeting of O'Donaju with Iturbide, August 24, 1821, Mexico may be considered as independent.

The Plan de Iguala reveals the secret of this easily won national ex-

1. See Alaman, "Hist. of Mexico," Vol. IV., p. 725.





istence. It stood for the three guarantees, which were: The Roman Catholic religion, no other to be tolerated, and all the privileges of the clergy preserved; the absolute independence of Mexico; the enjoyment of the same civil rights by all, without distinction of race or color. The first guarantee explains the adhesion of the church party, the conservatives, and the third explains the support given the plan by the lower classes.<sup>1</sup>

It will not be necessary here to go into the details of the organization of the government, the empire of Iturbide, and its overthrow, March 20, 1823. The constitution of 1824, however, must receive some attention, as this is what the Texans stood for in 1835. The constitution, like the three guarantees, stood for the Catholic religion; the absolute independence of Mexico; equal civic rights, a standing army for the upholding of Republican government. But there were many new ideas in it also.

Instead of a king there was a president and a vice president. The organization of the government was more complete, and the separation into three branches more definite. There was a legislative branch consisting of a senate and house of deputies--one deputy for each eighty thousand people and one for each fraction exceeding forty thousand. The Senate were to be chosen by the state legislatures. Congress was to meet once a year; impeachment was provided for; the president was to be ineligible for a second term till after four years. He was to be elected by the state legislatures.

The judicial power was vested in a supreme court, and in superior courts of departments and districts. The Supreme Court was composed of eleven judges and the attorney-general; the judges were to be elected by the legislatures, as in the case of the president.<sup>2</sup> The state governments

1. For the Plan, see Alaman Vol. V, Part Second, Book 1. Bancroft's Mex. Vol IV, Chap. XXX. Noll's Empire to Republic, Chap. IV. See the document in Alaman Vol. V, pp. 735-4.

2. See Ward's "Mexico," 285-302.



were also divided into three branches. They had entire control of local affairs. Their constitutions were to conform to the constitution of the nation. A cabinet of four ministers was organized. In many respects it was an attempt to graft on a people of the Latin race and traditions an Anglo-Saxon constitution. But it omitted one of the fundamentals of the Anglo-Saxons,--trial by jury not being provided for. At the election held under this constitution Guadalupe Victoria was elected president by the Federalists and the candidate of the Centralist party receiving the next highest number of votes, became, according to the provisions of the constitution, vice president. Here was an element of discord, the source of more than one of the many revolutions of the next twenty years; for the vice president, being the leader of the minority party, sometimes took it upon himself to "proclaim" himself president, and sometimes succeeded in making good the claim.

The first appeal to arms came in 1828, when the Yorkinos used force to place Guerrero in the chair and unseat Pedraza, who had been legally elected, being successful in the attempt. "This changed the course of Mexican history, and from that time till 1846 the succession of presidents was not dependent on elections."<sup>1</sup> In this fact we find the source of the weakness shown by Mexico through these years. There was a continual succession of revolutions with as many changes in government.

And although we find the parties under many names, even the secret order of the Masons giving those named above, yet the make-up of the parties is the same. It is the same old difficulty. There is the church party of conservatives and the liberal party, and then there are the smaller divisions of these great parties born of class distinctions. At times the liberals

1. Noll's "Short History of Mexico," p. 193.



seem to be gaining some ground, but the church becomes alarmed at the loss of some privilege, and a revolution overturns everything again.

Finally we come to the first person who seems to be able to control this conglomerate mass of prejudices and class jealousies. Santa Anna, a man who understood the Mexican and the conditions of the country, makes himself master of the situation and subverts the constitution of 1824.

A new constitution, known as the "Seven Laws" was framed and promulgated December 30, 1836. As it was this new constitution that caused the rising of the Texans, it should be examined somewhat closely.

The first "law" prescribes the rights and duties of Mexican and other inhabitants of the Republic. Every citizen having one hundred dollars a year income, proceeding from property or industry, and not disqualified by crime or other cause, is to have the franchise. The second organizes a fourth power entitled "Supremo poder conservador," composed of five members, each of whom, at the time of election must be forty years old and have \$3000 a year. They were renewable, one every two years. The third establishes the legislative branch in two chambers, namely, that of the Senate and that of the deputies; the former with ex members, eight of them renewable every two years. Each senator must have an income of \$2500 a year at the time of his election. The manner of choosing the Senators was as follows: the house of deputies, the government in council of ministers, and the Supreme Court of justice each selected a number of persons equal to that of the senators to be chosen, from which lists the departmental assemblies made the choice of senators. The lower house, of popular election, consisted of one deputy for every 150,000 inhabitants and every fraction of 80,000. The deputy must have at least \$1500 a year. No person having jurisdiction,--civil, judicial, ecclesiastical, or military,--could be a



deputy. The fourth organizes the executive, vesting it in a president, to hold his office for eight years, with the privilege of re-election. He was chosen as follows: the president in council of ministers, the senate and supreme court were each to name a "terna" from which the deputies had to nominate three candidates, one of whom was to be chosen president by the department assemblies. With the president was associated a council of thirteen members, two of whom must be ecclesiastics and two military. The councillors were elected by the deputies from a list formed by the executive out of another made by the senate. The president was required to have an income of \$4000 a year, and had the exclusive right of appointing his ministers. The fifth establishes the judiciary; namely, one supreme court of eleven justices and an attorney general chosen in the same manner as the executive, its branches being the supreme court martial; superior courts; auditing tribunals; and courts of the first instance in the departments. The sixth treats of the division of the territory and the interior government. The state organization is done away with, and the country divided into departments, each of them having an assembly. The appointment of governor was to be made from the "terna" proposed by each "assemblea departmental." At the head town of each district was to reside a "prefecto." Ayuntamientos, popularly chosen, were to exist at the departmental capitals, and such other towns as had a certain population. The rest were to have "Jueces de paz." The seventh fixes the mode of repealing or amending constitutional laws.<sup>1</sup> A separate law of the same date makes each of the former states a department, with the following changes: "The state of Coahuila and Texas was made into two departments. New Mexico was constituted a department. The two Californias were formed into one," and one or two minor changes were made. All of the changes

1. See Summary in Bancroft's "Mexico," Vol. V., p. 145,--note.





were in the direction of Centralism. The lower house was decreased in number; property qualifications were introduced everywhere; the cabinet was displaced by a council; the eliminating system of elections practically took all power from the people as to the higher officers; and finally the greatest change lay in doing away with the state or federal idea and making one central government supreme throughout. Many of the states rebelled. Santa Anna took the field and all were subjugated save Texas. We shall next take a glance at Texas, up to the way for independence.



## CHAPTER II.

### Texas to 1836 and the Causes of the War for Independence.

Texas was the subject of rival claims as early as 1684, when La Salle, at the mouth of the Mississippi, took possession, for France, of all the territories drained by its waters. When, in 1686, La Salle plunged into the wilderness west of the Mississippi, he was soon followed by the French missionaries coming northward from the city of Mexico; for Spain had claimed this territory ever since the conquest of Mexico by Cortez.

The Spanish founded San Antonio de Bejar, the original capital of the province, in 1698. Other towns were founded soon after, as La Balua, or Goliad, 1716, Nacogdoches 1732. Little was known of the country as to soil and climate until the publication of Humboldt's "La Nouvelle Espagne," written in 1803 and published in 1807. When, after the death of Louis XIV., France and Spain became hostile again, the outbreak of the war, in 1719, was "The signal for like movements in the colonies."<sup>1</sup> In June of that year the Spanish were frightened from Adaes and San Francisco, taking refuge in Bejar. Blondel, whose advance had caused this flight, afterward stated that the purpose had been a friendly one,---to protect the friars from the Indians.<sup>2</sup>

The Spaniards, however, believed it necessary to reconquer this district, and a force of five hundred dragoons and two companies of cavalry were sent for that purpose, 1721. Peace had already been declared, and St. Denis met Aguayo on the Neches and gave him a hearty welcome. Differences soon arose again, and both nations claimed original possession.

1. Garrison's "Texas," pp. 1-74. 2. See Jenkins' History of War with Mexico, Chap. I. Noll,--Short History of Mexico.



In 1735 the French fort at Natchitoches, which at high water was an island, was removed a little to the west and a new fortification was begun. The Spanish objected to this and asked that the French stay within the limits Spain had conceded to them. The French replied, of course, that they were not here by permission, but by right of original settlement. So the quarrel went on till 1762, when France surrendered Western Louisiana to Spain. Later came the claim of the United States to this territory as a part of Louisiana, which claim was not settled till February, 1819, when we definitely gave up all interest in the country west of the Sabine.

Spain's method of colonizing by missions and presidios proved a failure here. The attempt to domesticate the savage Apaches and Comanches was pointed out as an impossible task by many of the Spaniards themselves. The expense of the system was one of the great objections. "The Auditor, Altamira, writing in 1744, asserted that the total expense to the royal treasury of the colonizing work in Texas had been three million pesos, and that the annual cost of keeping up the establishments was then sixty-three thousand, but that there were fewer settlers than in 1722." <sup>1</sup>

General Pedro Rivera made a round of inspection among the establishments in Texas and as a result recommended that the presidio of Texas be suppressed. This was the beginning of a long quarrel between the military and the friars over the subject of missionary work in Texas. <sup>2</sup>

The missions lingered on till 1812, when they were finally suppressed. Settlement had almost entirely failed under Spanish rule. It is Garrison's opinion that it failed, not because of any opposition of the French, but because of the Spaniards' inability to subdue and christianize the Indians. Already Hidalgo was in the field, and Spain's hold was booming weak. In

1. Garrison's Texas, --pp. 87-8.

2. See Garrison, Chap. 2.



1821 Texas became a part of the republic of Mexico.

In 1824, after the experiment of the empire, with Iturbide as emperor, and the adoption of the federal constitution, Texas, Nuevo Leon and Coahuila are made one state. Nuevo Leon soon gains individual statehood, but Texas, in spite of its efforts for separate state government, remains a part of the state of Coahuila and Texas.

Up to this time Texas had a population of about four thousand, exclusive of the Indians.<sup>1</sup> Such was the net result of Spain's effort to populate and civilize Texas. There were, of course, many reasons for this failure, but chief among them were her great distance from the field of operations, the weakness of her government in Mexico, the peculiar nature of the Indians there, and the unfortunate method of dealing with them, which was half-hearted and weak at all times. The Spanish military forces would start gallantly to subdue a town and return in a few weeks with wonderful tales of the number of the enemy, whom they put at thousands when there were hundreds. The attempt to subdue and to christianize at the same time was certainly not a success, and the scorn for the Mexicans which the Indians acquired had its effect later on upon the relations between the United States and its southern neighbor.

But the Anglo-Saxon was already on the field. The movement of this race into Texas began as early as 1800, with the invasion of Philip Nolan,<sup>2</sup> not to mention scattered settlers who were found years before that event. The story of Nolan's enterprise, though interesting reading, must not delay us here.<sup>3</sup> He was finally killed, March 21, 1801, and his force was taken as prisoners.

1. Garrison in "Texas" and other authorities give about the same number.

2. Garrison's "Texas," p. 124. 3. See Garrison's "Texas" p. 111-114.

Yoakum, "History of Texas," I, 403-9. "Westward Extension," pp. 23-4.





The Burr conspiracy was the next attempt at invasion, and his story is as interesting as Nolan's. The third was the expedition of Augustus Magee and the Mexican refugee, Bernardo Gutierrez, who held a commission from Hidalgo. This attempt promised to succeed for some time. The invaders crossed the border in August, 1811, one hundred and fifty-eight of them. They captured Nacogdoches, and when they left, the force had swelled, owing to Magee's efforts as a recruiting officer, to five hundred men. An organization was made, with Gutierrez as commander in chief, but Magee, though second in rank, was the real leader. Magee died. Kemper took his place. Then occurred the horrible butchery of General Salcedo and his staff of fourteen men, by Delgado. This disgusted many Americans,--Kemper himself, among others, who returned to the United States. The army had increased to three thousand by July, 1812, over eight hundred being Americans. About this time they were defeated. The Mexican revenge was terrible. Fugitives and captured were slaughtered and three hundred were made to undergo the horrors of the Black Hole of Calcutta by being locked in a house over night at San Antonio, where eighteen died before morning. Thus ended the Magee expedition. <sup>1</sup>

The last armed invasion was that of James Long in 1819. It, also, reached considerable proportions, a provision government being organized with a council at its head, of which Gutierrez was a member. While Long was absent trying to induce Lafitte, on Galveston Island, to join in the enterprise, the Spaniards broke up his posts, scattering or capturing his men. We next hear of him in the revolution of 1821. He was captured in October, was spared by the revolutionists, but later shot by a Mexican soldier.

The attempts at organized invasion had all ended in failure. The at-

1. A full account is found in Garrion's "Texas," pp. 116-22.



tempts at peaceful colonization were more successful. The first successful colony was planted by the Austins. The work was begun by Moses Austin and completed by his son, Stephen, after the father's death. Moses Austin was a native of Connecticut. He was a merchant and large importer. He had established a branch house at Richmond, Virginia, and later, the company having purchased lead mines in Wythe County, he moved there. The lead mines of Virginia did not prove to be very productive, and in 1796, Austin, hearing of the mines of Louisiana, determined to go out there. His journey is well described in his journal.<sup>2</sup>

The mines were located in Washington County, about forty miles west of St. Genevieve. Here the family moved. But the failure of the Bank of St. Louis in 1817-18, in which he was a large stockholder, brought financial ruin upon Austin. With the same heroism which he had shown when a younger man, Moses Austin looked for new opportunities, and proposed in 1819 the idea of forming a colony in Texas. In 1820 he took his second long journey through the wilderness, this time to see the authorities at Bejar. This second journey was almost as long as the first, and for a time seemed to have been made in vain; for he was ordered to depart at once, and was preparing to do so, when a fortunate meeting with a gentleman with whom he was acquainted, Baron de Bastrop, soon put things in a different light. He was sick at the time, and the Baron asked the authorities that he be allowed to remain for a few days, which was granted. In a week he left with a letter to the deputation Provincial of the Interior Provinces, asking that he be given permission to introduce three hundred American families. This last journey proved too much for him and he died shortly after his return, in 1821; but Stephen continued his plan.<sup>3</sup>

1. See Garrison's "Texas," pp. 122-3.
2. See memorandum of Austin's journey in Am. Hist. Rev. Vol. V, pp. 518-42.
3. See Alaman Hist. of Mex., Vol. V, Ch. XII.



As the change in government occurred at this time, it was necessary to have the Mexican government confirm the grant given to Moses by the Spanish government. Iturbide gladly did this.<sup>1</sup> When the federation was established in 1824 a law was passed giving to each state the right to make concessions of lands to settlers. Coahuila and Texas were not slow to avail themselves of this privilege and as Alaman says, many of "Those who obtained them were adventurous foreigners or speculative Mexicans, who had no means of making them of any value."<sup>2</sup> On March 24, 1825, Coahuila and Texas passed a colonization law, in which it was decreed "That all strangers, who in virtue of the general law of the 18th of August, 1824, desired to establish themselves on the lands of the state of Coahuila and Texas, were free to do so; and it desired them by this law to consummate it."<sup>3</sup>

Austin's grant had "A frontage of one hundred miles on the gulf coast," and extended into the interior of Texas. "Each family was to reserve a square league of land" and for each hundred families Austin brought he was to receive "A snug little farm of five square leagues."<sup>4</sup> Stephen Austin, after months of delay in the City of Mexico, due to the change in governments, returned to Texas and founded the city of Austin. "In 1825, having complied with the terms of the original contract, he obtained a second grant, and in 1827 and 1828 he secured yet others. He was thus the means of introducing over fifteen hundred colonists into the country." Many other "Empresarios" came, and the population rapidly increased. The terms of settlement were surely liberal enough. Moses Austin had asked for but a section of land for each family, but Stephen was granted more than seven times as much.<sup>5</sup> We have noticed that in 1820 the population was hardly

1. Alaman Vol. V, pp. 663-4. 2. Vol. V, pp. 663.

3. Quoted in "The Other Side" by Alcaarez and others, p. 16.

4. Noll, "A Short Hist. of Mexico," p. 203, etc.

5. i.e., A league and a labor, or 4428.4 acres + 177 acres.



more than four thousand. By 1830 it was estimated at as high a figure as forty thousand.<sup>1</sup> While the great majority of the immigrants came from the Southern States, there was a good sprinkling of northern stock, also. From New York came many who became leaders in the revolution which followed. "Some of the representatives of this element were David G. Burnett, provisional president in 1836; Timothy Pillsbury and David S. Kaufman, the first two United States congressmen from Texas; Royal T. Wheeler, one of the first judges of the Texas Supreme Court; Ashbel Smith, Minister to England and France; E. M. Pease, at one time governor of the state, etc."<sup>2</sup>

Up to 1830 the movement of Anglo-Americans to Texas had, as we have shown, been considerable. With a population of forty thousand, the greater part of whom were Anglo-Americans, Mexico became alarmed. Up to that date the immigration laws had been extremely liberal, but at this time there came a change. Bustamante began his tyrannical rule in that year, and Mexico swings toward centralism. Here we see the beginnings of those differences which finally led to the war for independence. Bustamante took care that the liberal laws were repealed, and prohibited further immigration of citizens of the United States. Furthermore, he forbade citizens of that country from holding lands in Mexico under any terms, and stationed troops along the border to keep out this undesirable immigration. Forts were built in several places, especially at the most prosperous towns. The authority of the military courts was extended over Texas in the place of the civil authority formerly given to the "Empresarios."

It is easy to see the connection between these and similar acts and the rising of 1832, which took the guise of a movement in aid of the liberal party.<sup>3</sup>

1. See Von Holst, Vol. 2, p. 589 note, and Noll's "Mexico," p. 204. "The Other Side," Alcazar, and others, gives 20,000 in 1829.

2. Garrison in "Westward Extension," quoting Fulmore in Tex. St. Hist. Ass'n quarterly, Vol. 31-34. 3. See Jenkins' "Hist. of the War with Mexico," p. 28; Noll's "Mexico," p. 205; "Westward Extension," p. 28.





The question arises, why did the Mexican government change its liberal policy into one of restriction so suddenly? There were many good reasons, and as they constitute the fundamental reasons for the Texan war of Independence, they demand our attention at this point.

Land speculation is given by Gouge, Alaman, and others, as one of the principal causes for Mexico's change of attitude toward Texan colonization, and as one of the causes of the Texan war. Alaman calls attention to the fact that there had been established in New York a bank for the sole purpose of selling these lands and that Mexico's prohibition of these sales by law "was one of the motives of the revolution of 1832 in Bustamante's administration."<sup>1</sup> He also says this was the chief reason for "Prohibiting the colonization within certain limits of the natives of the neighboring nation."

Even before that time the question of land grants was a prominent factor in the so called revolution of the Edwards brothers, Hayden and Benjamin, in 1826 when the Fredonian Republic was organized at Nacogdoches. There had been a long series of difficulties between the alcalde, Samuel Norris and the brothers, but the act which finally caused the rising was the revocation of the land grants given the Edwards brothers by the state government of Coahuila and Texas.<sup>2</sup> In this attempt at a Republic a treaty was made with the Indians against Mexico, and according to this treaty, the territory of Texas was to be divided between the revolutionists and the Indians. "The Indians were to have all north of a line drawn west to the Rio Grande from Sandy Spring, not far from Nacogdoches; while the white revolutionists were to have all lying south of that line."<sup>3</sup> Austin, however, took a stand against the embryo republic and although there was some actual fighting, the first in the history of the peaceful colonists against Mexico, ~~the republic~~

1. For this subject see Gouge "Fiscal Hist. of Texas," Chap. I., and Alaman, Vol. V., pp. 663-5.

2. See Garrison's "Texas," Chap. XV. 3. Idem, p. 165-6.



~~against Mexico~~, the republic soon fell, in 1827.

One very serious cause of friction was the question of slavery.<sup>1</sup>

Mexico had no sooner gained her independence than she began the work of emancipation. A general law was passed July 13, 1824, prohibiting the further importation of slaves,<sup>2</sup> The constitution of 1824 declared that no one should thereafter be born a slave on Mexican soil, and provided for the gradual abolition of slavery throughout the republic. In 1827 the constitution of the state of Coahuila and Texas gave freedom to all hereafter born in that state and prohibited the further introduction of slaves. In September, 1829, a general law manumitted every slave in Mexico. So great was the storm this raised in Texas, which alone was affected by the law, that it resulted in the exception of that department by a decree issued December 2, 1829.<sup>3</sup> It is not to be supposed that Mexico forgot this lesson, and the closeness of the date of the anti-immigration laws seems to show that this question was looming before the Mexican legislators almost as large as the one in regard to land.

The two questions were really intimately related. For the land grants made by the state legislature to companies and individuals were worthless till sold out in small tracts, and there was very little opportunity to sell these lands save to slave holders who expected to bring their slaves with them when they occupied it. The great land companies, such as the "Galveston Bay and Texas Company," the "Arkansas and Texas Company," and the "Rio Grande Company," were at once interested in making Texas independent when these laws were passed, since only by independence could they hope to sell their lands. Hence they used their influence, and it was considerable, at

1. The conspiracy theory will be considered later.

2. One the question of slavery, see Jay "Rev. of Mex. War," p. 12-30.

Ex. Doc. 25th Cong. 2nd Sess. Vol. 12, No. 351, p. 315. Also Bancroft, Garrison, etc.

3. See "Pol Sci. Quarterly," Jan. 30, 1830. Also Niles Register, Vol. 38, p. 291.



all times, for the independence of Texas or its acquisition by the United States, either by annexation after independence was secured, or by purchase. They became as active as the slave holding class, or more so, and worked in harmony with them.<sup>1</sup> Hence it was that the government of the United States, as early as March, 1827, proposed, through Mr. Poinsett, the purchase of practically the whole of Texas, offering one million dollars for it. Mr. Benton, representing the South-west, wrote a series of newspaper articles on the necessity of acquiring Texas, or of re-annexing that territory. One of the reasons he assigns for the purchase of Texas is that five or six more slave holding states may thus be added to the union. Rumors were set afloat that Great Britian intended purchasing Texas, of which this, from the New Orleans Creole, is a sample: "A rumor reached us by the last packet from Mexico, that a company of British merchants had offered to advance \$5,000,000 to the Mexican government, on the condition that Texas should be placed under the protection of Great Britian."<sup>2</sup> These rumors had their effect on the United States, as well as upon the citizens of Texas, most of whom we must remember had recently been citizens of the United States. President Jackson continued his efforts to secure Texas by purchase, offering, in August, 1829, \$5,000,000 for that territory. This being refused, he proposed a loan of \$10,000,000 upon the pawning of Texas until repaid. This insulting offer was also rejected.<sup>3</sup> It is not to be supposed that Mexico was blind to the real question at issue, and her attempt to stop further immigration of citizens of the United States was undoubtedly based as much upon the fear of losing Texas eventually through the greed of the slave holders, as upon the disgust she naturally felt in regard to the land speculation.

1. For this subject see Jay, "Rev. of Mex. War," Chap. I. & II.
2. Quoted by Jay, p. 16.
3. See Jay, p. 15.



Still another disturbing factor in the relations of Texas with Mexico was the union of that state with Coahuila. We have mentioned the fact that Nuevo Leon, originally a part of the state formed under the constitution of 1824, had been allowed to separate, but Texas was denied this privilege, although the constitution had pledged her separate statehood as soon as her population would warrant such a step. That time, the Texans believed, had arrived; and in 1833 they organized a separate state government. Austin had been sent to represent their action to the Mexican government and secure its approval. His letter advising that they proceed to organize as a separate state was intercepted and he was held a prisoner for over a year and a half.

Still he had counselled moderation, and to the very last he followed a very conservative policy. He seems to have been truly grateful for all that Mexico had done for him, and it was not till he learned of the approach of a Mexican army that he gave his voice for armed resistance.

The most immediate cause of the war for independence was the triumph of centralism in Mexico. Beginning with Bustamante in 1832, it culminated in the absolutism of Santa Anna in 1835, when the old constitution of 1824 was finally overthrown and the centralized government instituted, as we have seen in 1836. Texas stood for the constitution of 1824, in company with several other Mexican states. Santa Anna succeeded in crushing the other states, but Texas proved to be a different proposition altogether. She boldly declared her independence and Santa Anna, a prisoner in the hands of her general, was compelled to yield to her demands.

It is probably true that separation would have come even if the federal government had not been overturned. We have seen that there were a multitude of causes working toward eventual separation and the overturning of the federal form of government seems simply to have brought matters to a





head a little earlier than would otherwise have been the case.

A number of the more immediate causes of the Texas war for independence have been briefly noticed; but the fundamental cause for such a movement was something entirely different, and something which has not been given the importance it deserves by many historical writers. I refer to the natural antipathies of race. Although liberal colonization laws had been made, and every inducement given to settlers, yet there never had been any real harmony or unity of feeling between the Spaniards and the Anglo-Americans.

The native population were totally different in character. They were an easy going race. Their favorite word was Mañana. They put off doing today that which could possibly be left till tomorrow. They soon became jealous of their "Yankee" neighbors, and at no time did they bear them any real love.

One has only to read a few Mexican works of the period to convince himself that the Mexican estimate of an Anglo-American was at least no higher than was the same American's estimate of the Mexican. The American believed the Mexican was superstitious and lazy. The Mexican believed the American was an infidel and a hog.

Even that very conservative writer, D. Jose F. Ramirez, says some things not altogether complimentary to us, but which we must admit were well deserved. Moreover, his letters and diary were not written for the public. They are his own private and honest thoughts.<sup>1</sup> In discussing the question of Texas he recalls to Santa Anna's mind that the "punados" of colonists have, ever since they first began to emigrate to America, followed the custom of establishing themselves in distantly separated colonies, although they were surrounded, as a result of this desire for space, by savage tribes which

1. See Ramirez "Mex Durante Su Guerre Con Los E. U.," a diary published at Mexico, 1905.



made war upon them.<sup>1</sup> This spirit of the adventurer he says survives today. "You have seen in the press of the labor, misery and frightful sufferings they endure, who leave their homes in the midst of the nation to seek an establishment in the lands of the West."<sup>2</sup> Moreover, the Mexican government has been powerless to prevent it as no force has ever been able to withstand these "land grabbers." He further says that a people accustomed to democratic institutions as are the Americans always have the defect of failing to look into the future, and plunge into the midst of whatever happens to be the necessity of the moment. "Moreover, the periodicals and politicians, who, different from ours, reason much and talk little, have understood the immense importance of the acquisition of Texas, and have known how to make the entire people feel this."<sup>3</sup> He continues in less complimentary terms, "These people are also immensely proud, and believe they are the first in the world, and that none other would have the power to resist them, so that if it entered into their heads that their dignity required the occupation of our territory they would undertake it, if for no other reason than the satisfying of their pride and their vanity; and when to these passions is added the conviction of the advantage, nothing would be sufficient to dissuade them from the undertaking."

Much more of the same kind may be found in the writings of Ramirez. Alaman is equally uncomplimentary. He says the Texas lands were obtained either by "Speculative Mexicans or adventurous foreigners who had not the means to pay for them."<sup>4</sup> In the "Notes" by Alvarez and other officers of

1. Ramirez, --Mexico Durante Su Guerra Con Los Estados Unidos, pp. 5-6.
2. Idem, p. 6.
3. Idem, p. 4.
4. Idem, p. 4. Alaman, Vol. V, p. 663.



the Mexican army during the war with the United States we see ourselves as the Mexicans see us.<sup>1</sup> He calls us "Usurpers who style themselves the most honest before all civilized nations;"<sup>2</sup> and says "The United States intended to obtain this territory at any price; and to accomplish it, introduced there her citizens, taking care to increase the population."<sup>3</sup> And again, "They desired from the beginning to extend their dominion in such manner as to become absolute owners of almost all this continent.---The North American Republic has already absorbed territories pertaining to Great Britian, France, Spain and Mexico. It has employed every means to accomplish this,-- purchase as well as usurpation, skill as well as force, and nothing has restrained it when treating of territorial acquisition.---Although we may desire to close our eyes with the assurance that these pretensions have now come to an end,---we will see ourselves overwhelmed anew, sooner or later,-- until the flag of the stars floats over the last span of territory which it so much covets."<sup>4</sup> And this prophecy does not fall far short of what was demanded by the people and press of the United States at the time of the treaty of peace with Mexico. A large part of our people were then ready to absorb a whole nation at once.<sup>5</sup>

Enough has probably been given to warrant us in using the words of Alvarez in summing up the matter of the Texas war for independence. "United to Mexico by a tie extremely weak, constituting in the whole of the Republic a heterogeneous mass, in habits, language, and character, and in all parts different, their sympathies were directly towards their own country. The least informed could predict from thence, that sooner or later they would

1. "Notes for the Hist. of the War between Mexico and the U.S.," by Alvarez and 24 others. 2. Idem, p. 24. 3. Idem, p. 18.

4. Idem, pp. 3-4.

5. See Bourne in Am. Hist. Rev., Vol. 5--Art. on "U.S. and Mexico" for the facts.



prefer a union with their native land....The colonists of Texas were never subject to our laws. The abolition of slavery decided them to make this known long before the fall of the federal system placed in their hands a banner under which they concealed the views of separation, which by every means they had now brought to a head."<sup>1</sup>

Such a people as we have had pictured to us were never meant to become assimilated by the Mexicans, who, instead of being a warlike people, of a pushing, grasping nature, are censured severely by Ramirez himself for their easy going dispositions. He says there "are possessed of such a suavity of character" as to appear a fault in his eyes. Nor is he blind to other faults of his people. "The shameful peculations, which were committed by some leaders---the impunity in which they were allowed to enjoy the fruit of their robbery; the abandonment and misery in which the soldiery found themselves exposed, dying of sickness," while these same leaders appropriated to themselves what should have gone to succor them, tended to strengthen this natural antipathy for war."<sup>2</sup>

It is clear that the fundamental cause of the Texas war was the natural antipathies of race.

1. Notes, p. 17.

2. Ramirez "Mex. Durante Su Guerra," etc., pp. 9-11.





### CHAPTER III

The action of the United States in the Texan war for Independence considered as a cause of the Mexican War.

It has been shown that the Texas Revolution, like the American Revolution, was well organized before the Texans took the final step of declaring themselves an independent republic. They started out to win separate statehood for themselves and to re-establish the constitution of 1824. The convention of 1832 at San Felipe representing practically every municipality save Bejar, laid special emphasis on the fact the Texas was not seeking independence of Mexico; while at the same time it expressed itself very clearly as to the demands of Texas.<sup>1</sup>

It protested against the eleventh article of the decree of April 6th, of 1830, prohibiting immigration from the United States, and asked for its repeal: it asked for separate state government, and called attention to the fact that the decree of May 7th, 1824, uniting the two states, had contained a promise of separate statehood for Texas as soon as its population warranted that step.

A central committee of safety and correspondence was appointed. William H. Wharton was chosen to carry the memorials to the general government, but he did not go. Mexico was aroused over the question for a time. Santa Anna suggested that Filisola be sent to Texas, but after some correspondence the matter was lost in the civil strife of Mexico. On January 19, 1833, Santa Anna was elected presi-

1. Garrison's "Texas" pp.180-8.



dent. This meant the triumph of centralism and another convention was immediately called by the central committee. The election of Wharton over John Austin showed sentiment swinging toward independence, as Wharton was for radical measures. Austin however was appointed to go to Mexico this time, and the result of his mission has been stated, -nearly two years imprisonment and the rejection of his demands.

Still Austin counselled moderation and patience, but the war party was now in the ascendancy and the clash soon came.

In January, 1835, the Mexican government resumed the collection of duties in Texas, and a few troops were sent to assist the collector at Anahuac. The peace party met first and then the war party met. They determined to resist, and made William B. Travis leader. He drove out the Mexican force under Tenorio. Mexican liberals, like Zavala, joined with the Texans. Alaman says Zavala had been interested in the sale of the public lands through the New York banks, and hence his active opposition to the Bustamante administration, which stopped immigration, and with it the sale of the lands.<sup>1</sup>

After the expulsion of Tenorio, the Schooner *Comeo*, Captain Thompson commanding, was sent to look after the duties. After Thompson had captured a United States trading vessel, he himself was taken and sent to New Orleans to answer the charge of piracy.<sup>2</sup> The Texans intercepted orders for Tenorio to arrest Zavala and other leaders.

They thus learned what was in store for them. Meanwhile Austin had returned from his long imprisonment. In a speech at Brazoria, he fa-

1. Alaman. "History of Mexico," Vol.V., pp.663-4. Also see Garrison's "Texas" p.188.

2. See correspondence with U.S. over this incident in Ex. Doc. 25 Cong. 2nd Sess. Vol.12.



vored maintaining the constitutional rights of Texas and advised a "consultation." It had already been called. It met October 16, 1835, but adjourned to November 1, because there was not a quorum, "owing to the members being absent in the army." On November 1, the general consultation reassembled.<sup>1</sup>

Meanwhile, hostilities had regularly commenced, September 20, 1835; when a detachment of Mexican cavalry attempted the passage of the Guadalupe. They were going to disarm the Texans, in accordance with the law which allowed only one gun to every five-hundred inhabitants. Besides the people of Gonzales had a cannon.<sup>2</sup> "Then followed the rapid succession of brilliant events which, in two months left Texas without an armed enemy within her borders." <sup>3</sup>

1. On these events consult Coore's "Fiscal History of Texas" Chap. I., and Garrison's "Texas" pp. 190-1.

2. Idem. p. 191.

3. Benton in his, "Thirty Years in the Senate," says: "It was the same demand and for the same purpose which the British detachment under Major Pitcairn had made at Lexington-- it was the same demand, and the same answer was given,--resistance-battle-victory." He says further; "Great is the mistake which has prevailed in Mexico and in some parts of the United States on the character of the population which has gone to Texas.--- Heartless is the calumny invented and propagated--- on the cause of the Texian revolt. It is said to be a war for the extension of slavery. The settlers..went to live under the form of government which they had behind them in the United States. ...A succession of violent changes in government and the rapid overthrow of rulers annoyed them."

In answer to this it might be said, Texas began by retaining



There has been a good deal of rhetoric wasted on the action of the Texans. The Mexican side of the controversy is very seldom given. In substance, as regards the change of government in Mexico, it is this: "If afterwards Mexico became independent, and adopted the federal system, this was a fact that they could never allege to justify their rebellion, on the supposition that it did not import under it a condition that Texas had consented to live subject to our laws. Where does it stand that obedience to which they had sworn was only limited to the time that one form of government lasted, which by accident was established, when now the years had passed which had given the beginning to colonization?"<sup>1</sup>. The same argument

3. Cont.

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the form of State government against the laws of Mexico; she persisted in preserving the institution of slavery against the laws of the nation and state, forcing Mexico to make her an exception at last; the settlers had made no agreement with the Mexican government as to what form of government should be guaranteed them; they were supposed to become loyal Mexicans, and live peaceably under the established form. Yet he implies that they were guaranteed the federal form. Moreover he is incorrect in saying that they went to live under the same form of government they had left behind; for the first colonies were established under a monarchical form and their rights were finally confirmed by the Empire of Iturbide.

1. "Notes" by Alcaez and others. Ramsay's Tran. p.17.





holds good for the centralized system.

The fact is that Texas had always been given special privileges by the Mexicans, and it is probable that the Texans counted on this in the matter of the law of centralization. Her taxes had been remitted for ten years, and now in the effort to conciliate, the offer was made to exempt them for another ten years.<sup>1</sup> She had also been made an exception in the matter of Slavery.<sup>2</sup> "During the years 1833 and 1834, the legislature had shown itself extremely liberal toward the colonists." Texas had been divided into three departments; the English language had been allowed in public communications and records; "and the organization of a judicial system with trial by jury had been conceded them, as well as a number of other laws desired by the colonists.

It must be admitted that Mexico was, on her part, doing all in her power to suit her laws to the genius of the new citizens. It was clearly a case of incompatibility. The Mexicans are right when they conclude that "Sooner or later they (the Texans) would prefer a union with their native land to the dependence in which they lived on the Mexican authorities."<sup>3</sup> The revolution was inevitable. The Texans could not assimilate with the Mexicans.

Benton says that the war was not brought on by a desire to extend Slavery. True, Slavery was not the sole cause. But this desire to extend Slavery was one of the main factors in its successful continuance and issue. Had this not been in the minds of many in the South and of others in the North, interested in Texan lands, and the

1. "Notes" p.18.

2. Garrison's "Texas" p.187.

3. "Notes" p.17.



cotton trader, the aid secured by Texas from the citizens of the United States would have been less, and the chances of winning independence proportionately lessened. Here is a plain statement of the case by the Arkansas Gazette as early as 1830: "No hopes need be entertained of our acquiring Texas (by purchase) until some party more friendly to the United States shall predominate in Mexico; and perhaps not until the people of Texas shall throw allegiance to that government, which they will no doubt do as soon as they have a reasonable pretext for doing so; at present they are probably subject to as few exactions and impositions as any people under the Sun."<sup>1</sup>. Said Mr. Upshur, then a member of the Virginia convention of 1829; "Nothing is more fluctuating than the value of slaves. A late law of Louisiana reduced their value twenty-five percent in two hours.--- If it should be our lot, as I trust it will, to acquire Texas, their price will rise." <sup>2</sup>. Mr. Gholson of Virginia, in the legislature of 1832, speaks of the same fall in the price of slaves in Louisiana, and adds that he believes that the acquisition of Texas would raise their price fifty percent at least. Mr. Calhoun was one of the most outspoken- as one would expect. In 1836 he said in the Senate that there were "Powerful reasons why Texas should be a part of this Union. The Southern States, owning a slave population were deeply interested in preventing that country from having the power to annoy them."<sup>3</sup>. Mr. Upshur later stated the case still more plainly. In a letter to Mr. Murphy, Charge-d'affaires of the United States in Texas, dated August

1. Quoted by Jay, p.16.

2. Debates of Va. Convention of 1829; and journal of Session of 1832.

3. See Cong.Globe, 29th Cong. 2nd Sess.p.495.



8,1843 he says: "The establishment, in the very midst of our slave holding states of an independent government, ~~government~~, forbidding the existence of slavery, and by a people born for the most part among us,----could not fail to produce the most unhappy effects upon both parties."

Many other quotations of a similar nature might be given to show that the brains of the South were perfectly aware of the importance of this war for them: for Texas in her Constitution had declared that Slavery should be forever perpetuated. As regards the men who actually did the fighting, there is very little of this sentiment in their letters home. They seemed to be moved chiefly by the fact that the Texans were Americans and that they were fighting for freedom.<sup>1</sup> A careful reading of these letters and as careful a review of the editorials of some of the leading newspapers will show that while the rank and file fought chiefly because their blood and kin were supposed to be in danger, they were stirred to fight very largely by those who had other motives at heart.<sup>2</sup>

This evident sympathy with the Texans on the part of the United States was well known by them and was, according to their own words, a very strong argument in favor of declaring their independence. They well knew that without the assistance of the United States they could not win, but they counted certainly upon that as-

1. See Niles Register, Vol.50 for a large number of these letters.

2. A review of newspaper articles quoted by Niles will be very enlightening on this point. They are too lengthy to quote here.



sistance. To illustrate this point it will possibly be worth while to quote in part, one of the many proclamations and appeals which were sent from Texas and printed by the papers all over the United States. Here is one sent by Ellis, the president of the Convention:

"To the People of the United States."

"The intelligence conveyed to us by the above letter confirms all that we have heretofore alleged of the Arch fiend, who after subverting the liberties of his own countrymen, has arrayed all his forces to reduce us, the freeborn Colonists of Texas, to the yoke of military and ecclesiastical despotism. We have exercised the right inherited in all considerable societies of men, of choosing the form of government most consonant with our feelings and most likely to secure our happiness. It is the same right which impelled your fathers and our fathers to throw the gauntlet of defiance at the power of Britain, and to claim and glorious achieve a name among the nations of the earth-----They appealed to the sympathies of monarchs and strangers, and they appealed not in vain. Aid,-prompt, powerful, and efficient, was rendered them." He then refers to the aid given the Greeks and the Poles and continues, "Friends and brothers! we the citizens of Texas, threatened with an indiscriminate slaughter by the Mexicans of a COMPLICATED and CRUEL DISPOSITION, now in this hour of trial, turn our thoughts and our hearts with an unwavering confidence to the land of our common nativity, and we ask you for assistance." 1

Was there ever a time in the history of our country when such an appeal to violate the laws of neutrality of our country received such wide spread publicity and such semi official sanction as to be printed in such a magazine as Niles' Register? And would this interest

1. Niles Register Vol 50 p.122.





have been so keen but for the fact that there was almost a certainty that territory was to be gained if Texas won in her struggle-- territory too, suitable for the spread of the "peculiar institution"?

If any further proof is needed of the truth of this it will be supplied in abundance when we take up another subject,-- that of Annexation.

Our purpose in this chapter is not to trace here the progress of the Texan war, but to answer this question as fairly and honestly as is possible: What cause for offense, if any, did the United States give Mexico during the progress of that war? Mexico maintained that the action of the United States in this particular matter alone was a "Casus Belli." Was this the truth?

The first charge made is that the United States did not attempt seriously to enforce neutrality. I have proven this charge to be true in one direction by showing that the United States allowed all manner of appeals for aid to be scattered broad cast in the land. But Mexico claims that the neutrality laws were broken in a more serious way than this. On October 29, 1835, the Mexican minister, Gorostiza informed the Secretary of State, Mr. Forsyth, that no less than twelve vessels were about to sail from New York and New Orleans with military stores and that on the tenth, an armed schooner had sailed from New Orleans for Texas without papers from the Mexican consul, and he demanded the interposition of the government to prevent such breach of neutrality. Forsyth addressed a circular to various United States Attorneys directing them to prosecute all violations of those laws of the United States which have been enacted for the purpose of preserving peace and of fulfilling the obligations of treat-



ies with foreign nations.<sup>1</sup> Jay shows that no individual was punished for participating in these efforts to aid Texas in obedience to these cold generalities; that no officer of the government was ever dismissed or censured for failing to see anything more in the circular than a mere matter of form. He quotes from N.C. Read, himself a United States District Attorney in Ohio, in a resolution offered at a mass meeting called in aid of the Texans, as follows: "Resolved that no law, human or divine, except such as are framed by tyrants, and for their benefit, forbids our assisting the Texans; and such law, if any exists, we do not, as Americans, choose to obey." <sup>1</sup>. At this meeting a committee was appointed to assist the officer, Captain Lawrence, in raising funds and recruits for Texas. Yet Mr. Forsyth assures the Mexican Minister that "All measures enjoined and warranted by law have been, and will continue to be taken, to enforce respect by the citizens of the United States within their jurisdiction to the neutrality of this government." The United States had in former times, not only admitted the duty of enforcing the neutrality laws upon her citizens, but has shown that she was fully able to enforce them. For example, take Washington's proclamation of neutrality at the time of the French War.<sup>2</sup> Again in 1794 he expresses himself just as plainly, and in a case even more closely resembling the one in hand. He is speaking of the enlisting of troops in Kentucky for use in the territory of a foreign nation. He says: "Whereas, I have received information that certain persons, in violation of the laws have presumed---to enlist citizens of the United

1. Jay. Review of Mex.War.p.21.

2. See the documents in Richardson's "Messages and Papers of the President." I,156-7.



States---and have assembled an armed force for the purpose of invading--the territories of a nation at peace with the United States.--- And I do charge and require all courts, magistrates and other officers whom it may concern,---to exert the powers in them severally vested to prevent and suppress all such unlawful assemblages and proceedings, and to bring to condign punishment those who may have been guilty thereof." A glance at Forsyth's document will show the difference in spirit and one will seek in vain for any action on the part of any United States judicial officer comparable to that of N.C. Reed given above, in this or any other administration. There is nothing in this language to lead one to believe it to be a mere form. Again in the administration of Jefferson we have a proclamation of neutrality equally clear.<sup>1</sup> And examples are not lacking all through our history to show that this case was an exception and not the rule. There is the case of the attempt to invade Spanish territory in 1815, dealt with in Madison's proclamation.<sup>2</sup> A striking example of the way in which we have been accustomed to regard our own territorial and neutrality rights may be found in the diplomatic correspondence of the administration of Van Buren himself in the case of the invasion of our northern frontier by Canadians. The correspondence in this case was carried on by Mr. Forsyth himself, and certainly shows that he could express himself clearly enough if he chose.<sup>3</sup>

Since then too, there have been times when our government has had occasion itself to complain of other countries in exactly the same way as Mexico complained of us. In Pierce's message of December

1. See Richardson's "Messages" V.I.pp.404-5.

2. Idem V.I.pp.561-2.

3. See Richardson Vol.III. Van Buren Administration.



31, 1855, he refers to the attempt on the part of England to recruit in the United States in its war with Russia.<sup>1</sup>

This is the way the United States looks upon the attempts by any foreign power to do what everybody knew was being done in the United States at the time of the Texan war for Independence. Not only so, but officers of the judiciary of the United States did with impunity offer resolutions in favor of the Texans in which such laws are openly defied.<sup>2</sup>

Bancroft says on this point, "Urgent appeals for resources

1. "While the laws of the Union are thus peremptory in their prohibition of the equipment or armament of belligerent cruisers in our ports, they provide not less absolutely that no person shall, within the territory or jurisdiction of the United States, enlist or enter himself, or hire or retain another person to enlist or enter himself, or to go beyond the limits or jurisdiction of the United States with intent to be enlisted or entered in the service of any foreign state.-----It is difficult to understand how it should have been supposed that troops could be raised by Great Britain without violation of the municipal law. The unmistakable object of the law was to prevent every such act which if performed, must be either in violation of the law or in studied evasion of it." Richardson Vol. V.p.33.

2. See case of N.C. Reed, District Attorney of the United States, quoted above.





had been made before hand to friends in the South-- . And from this time the Texans were in constant receipt of money, provisions, arms, ammunition, and even fighting men openly enlisted in New Orleans and other ports. The cause of the insurrection was also encouraged and supported by the press and at public meetings."<sup>1</sup>.

Van Buren himself, a very good witness, says: "Nothing is either more true, or more extensively known, than that Texas was wrested from Mexico and her independence established through the instrumentality of the United States."<sup>2</sup>. Monasterio in a note of November 19.1835, says: "The first subject to which the undersigned thinks proper to call the attention of the Secretary of State----is the notorious co-operation of a great number of the inhabitants of Louisiana in aiding and advancing the cause of the insurgent colonists of Texas.---They would never have ventured----to abandon their duty to their adopted country had they not expected to receive ready and effective support from American speculators----Before raising the standard of rebellion they had received from their friends in New Orleans the combustibles required for kindling and spreading the conflagration.--- The colonists of Texas have since obtained and continue to obtain, daily from New Orleans, succors of every kind, in provisions, arms, ammunition, money, and even soldiers, who are openly enlisted in that city, who sail from it armed for war, against a friendly nation.---Societies have moreover been formed in New Orleans, which publicly direct----affairs foreign to their own country.---In other words, attempts are made to give a color of nationality to that which is a mere speculation on the part of some adventurers of various

1. Bancroft's Mexico" Vol.V. pp.162-3.

2. Quoted in Jay p.22. Letter to Mr.Hammet April 20,1844.



sorts."1.

What does the United States reply to this? The reply is that the government is doing all in its power to preserve neutrality but that "For the conduct of individuals which the government of the United States cannot control it is in not in any way responsible."

Sometime before this, October 28, 1835, Mr. Castillo had complained in the same <sup>way</sup> to the authorities at Washington. He especially condemns the "Globe" as being the official organ of the government, for accounts of the Texas war which he says "are the least conformable with truth." He calls attention to an article appearing in the "Globe" copied from the "New Orleans True American" of October 13, in which the chief executive of Mexico is branded as an usurper, and the invitation is given for "Volunteers from these United States to go and assist them---offering them in recompense, lands which they term their own." And at the conclusion of it appears the notice to "Gentlemen favorable to free and republican governments' to meet at the 'Bed-river exchange'<sup>2</sup>.etc."

Gouge tells of the systematic efforts of the Texans themselves to secure financial aid as well as aid in men and munitions. The committee of five appointed on November 6, to provide necessities left no stone unturned. Mr. E. Hall had already been sent to New Orleans, and on November 8, the report shows that \$7000. in subscriptions secured. Mr. Hall was presented with a league of land because of his success and on November 9, he was made agent to purchase sup-

1. See correspondence in Niles, Vol. 50 pp. 207-217. Monasterio's note p. 211. Reply, 212.

2. See Ex. Doc. 25th Cong. 2nd Sess., Vol. 12, pp. 716-17. Also the cor. in regard to Neutrality, Ex. Doc. 1st Sess. 24th Cong. V. 6, No. 250.



plies at New Orleans. Meanwhile a loan of \$150,000 had been authorized of the citizens of New Orleans, and T. F. Kirney had been appointed to carry it into effect. Liberal bounties in land were offered to volunteers,---1280 acres to each volunteer who enlisted for the war, 320 acres to those who enlisted for three months.<sup>1</sup> If there be any who need proof that these volunteers were largely obtained from the United States they are referred to the newspapers of the day, to the New Orleans "Bee," the New Orleans "True American," the "Globe," the "Niles Register," and a multitude of others. And especially to Texan regulations as to bounty lands where we have this frank statement of March 17, 1836, from the Texans: "Whereas, many individuals of the United States have left their homes of peace and comfort, to volunteer in the service of this country, and endure the hardships and perils of the war in the struggle of Mexican tyranny, and have by their generous patriotism and gallant conduct in the field earned our warmest gratitude."<sup>2</sup> Then follows a statement of the counties for volunteers. The "Register" then adds that besides these inducements the soldiers regular pay is the same as is that of the United States regulars.

Jay gives a few extracts from the press on this point which are instructive.

"Who will go to Texas?"

"Major J. W. Harvey, of Lincolnnton has been authorized by me, with the consent of Major General Hunt, an agent in the western counties of North Carolina to receive and enroll volunteer emigrants to Texas, and will conduct such as may wish to emigrate to that Republic about the 1st of October next, at the expense of the Republic of Texas.

J. P. Henderson,  
Brigadier General of the Texan Army."<sup>3</sup>

1. See Gouge Fiscal Hist. of Tex. pp. 15-33. 2. See Niles Reg. Vol.50,p.218-19.  
3. Quoted by Jay, p. 28.



"This morning more than 200 men, commanded by Col. Wilson, and on their way to Texas, passed this place in the Tuskina with drums beating and fifes playing. They will be followed by 300 more, all from Old Kentucky."

"Three hundred men for Texas. Gen. Dunlap is about to proceed to Texas with the above number of men."<sup>1</sup>

The letters from the soldiers are very instructive. They show that most of the volunteers came from the Southwest.<sup>2</sup>

But this is the least of the offenses against Mexico on the point of preserving neutrality. A graver charge is that which Mexico makes against the regular soldiers of the United States. The first charge against the army on this score is that they invaded the territory of Mexico while the two countries were at peace. The second charge is that large numbers of the soldiers deserted temporarily and were in the service of the State of Texas, in many cases wearing their uniforms of the United States army openly in the ranks of the Texans.

The first point brings up the whole matter of General Gaines, and the invasion of Mexican territory. General Gaines was ordered from Florida, where he had been engaged in the Indian war, to command the forces on the Sabine, January 23, 1836. He was directed to take a position near the western frontier of Louisiana to prevent contending parties from entering the territory of the United States.<sup>3</sup> "The more immediate danger was, that the contending parties might, in the struggle, find it necessary or convenient to seek for advantage or protection<sup>✓</sup>refuge on the territory of the United States; and that our soil might become the battle ground for deciding the contest."

1. Jay, p. 29.

2. For samples of letters see Niles Vol. 50, pp. 220-221.

3. Forsyth to Ellis, Dec. 10, 1836. Niles 51, p. 410.





Another reason given by Forsyth was the danger of an Indian outbreak--American Indians in Texas or Mexico. "Among the stipulations of Mexico and the United States to each other, was found one obliging each party to restrain the Indians within its dominions from all depredations upon the adjoining power. The extent in which this provision was understood by Mexico will be seen be recurring to the complaints made to this government, that some of the Indians on our side had crossed over, without even an allegation of its having been done with any hostile design towards Mexico."<sup>1</sup> Forsyth goes on to show that one side or the other might make allies of the Indians; that the Indians on the Mexican side were always in poor control; that while discretionary powers had to be given to the officer in the field, yet that discretion was limited "By special instructions to move towards the Mexican side only under a state of things which should make that step justifiable in the eyes even of those who were disposed to watch every movement on our part with suspicion and jealousy."<sup>2</sup> He calls attention to the fact that Gorostiza had himself admitted the right of the United States, in the event of an Indian war, to invade the territory of Texas, either to prevent intended injury or to punish actual depredation. He shows that Gorostiza subsequently seeks to rest his case on the right of making war for a violation of treaty engagements. Forsyth claims that the action of the president is to be justified on other grounds---those of self defense. He then goes on to suppose a case--- that war is about to begin--- and "<sup>3</sup>Our fellow citizens, of all ages and classes, to be exposed to massacre, their property to destruction, and the whole frontier to be laid waste by those savages Mexico was bound to control. Suppose we should wait for the evils to happen and then, according to the thirty-third article of the treaty, ask redress of Mexico before acting our-

1. Niles Register, Vol. 51, pp. 410-11. 2. Idem.

3. Niles, Vol. 51, p. 411.



selves? Suppose Mexico replies that she had not the power to prevent these evils and that we knew she had not. "It was your duty, having the means, to prevent these evils? What could we do? We could not go to war with Mexico for failing to do what she was unable to do."

The question one asks here is, why would it not be time enough to prevent these massacres and depredations when there appeared to be any sign of them within the territory of the United States? Was there any real indication of an Indian outbreak, or was this a pretext gotten up by the citizens of Texas to gain the support which came to them by the introduction of troops into her territory? Garrison thinks that considering the reports as to affairs on the border, the government was justified in ordering Gaines to advance to Nacogdoches,<sup>1</sup> and states that the actual outbreak among the Indians, in which the Caddoes of Texas were credibly reported to have taken part, was the cause of the detachment of troops being sent to Nacogdoches.

Another point made much of by the advocates of the appropriation bill introduced at the time to provide for the defense of the southwestern frontier, was that the boundary line was not settled; that it ran up the Sabine, but that a dispute had arisen as to which of the two branches of the Sabine was the true line. There really should have been no doubt, as the treaty had explicitly referred to a certain map,<sup>2</sup> and hence there could be no reasonable doubt as to which branch was the true one. Moreover, as Adams pointed out, "Everything in dispute must, during a contest, remain in statu quo, and any act taking possession of disputed territory is an act of hostility."<sup>3</sup>

The only sound excuse for such an action, if there be any, is that of self defense. And so we come back to the question, was there any real dan-

1. Westward Expansion, p. 88.

2. Melish's Pub. at Phila. 1818. See text of treaty or extract in Niles Vol. 50, p. 186, and others. According to this map the line runs 48 miles east of Nacogdoches.

3. Speech, May 6, Niles Vol. 50, p. 151.



ger of an Indian outbreak? In answer to Garrison's statement we have the statement of the editors of the Notes that such an excuse was "without foundation in fact. The hostilities of the Indians had been suppressed; the frontiers of the United States ran no risk; the danger which they asserted was imminent and inevitable, only existed in the gratuitous suppositions and calculations of their governors."<sup>1</sup> In a letter to the governor of Louisiana April 8, 1836, General Gaines states that, according to credible reports, one Manuel Flores, a Mexican Spaniard, but for several years past a citizen of Spanish town, in this state,--has lately been commissioned by persons professing to act by the authority of the Mexican Government, for the purpose of enticing the Indians in the western prairies on our side of the boundary line to join them-----and that with this view, the agent, Manuel Flores, accompanied by a stranger, has lately passed up the valley of the Red river, and has already produced considerable excitement among the Caddo Indians.<sup>2</sup> He has also learned from several intelligent persons "That many of our Indians have gone over to the Texas side of the line." He then solicits a brigade of two or three battalions of volunteers of the governor. It was April 25, 1836, when he was authorized to proceed as far as Nacogdoches, and May 4th he was authorized to call on as many troops as needed, from no less than five states. But he had already taken it into his own hands as early as April 8th, to call for troops from the governor of Louisiana.

The expected uprising did not come. In fact, if we are to credit the papers of the time, there never had been any very serious danger of any Indian outbreak. The National Intelligencer of May 10, 1836 says "That a letter had just been received in this city from an officer of the army of

1. Or "The Other Side" by Alcaez and others, pp. 21-2.

2. Niles Vol. 50, p. 162.



the highest rank at New Orleans, stating that there was not the least danger of any hostilities on the Texan frontier, either from Indians or from the Mexican troops, and that the governor of Louisiana concurred fully in that opinion, founded on the most recent information from the frontier. We infer from this that General Gaines has been misinformed and entirely mistaken as to the facts expressed in his letter to the Secretary of War."<sup>1</sup>

A Natchez paper, quoted in Niles, says, "Major McCall, aid to General Gaines, passed here on Saturday evening direct from Fort Jessup.....He contradicts the rumor that the Indians had taken up arms against the Texans, and states that General Gaines is satisfied he has been misinformed, and has consequently recalled th troops he ordered to the Sabine. We hope that the timid and credulous will be sitisfied with this information, and no more prevent aid from reaching the Texans by means of giving currency to idle reports."<sup>2</sup>

It was the day before this that Gaines was authorized to go as far as Nacogdoches. An American officer in the Army and Navy Chronicle writes "It is to create the impression in Texas and Mexico that the government of the United States takes a part in the controversy. It is in fact lending to the cause of Texas all the aid which it can derive from the countenance and apparent support of the United States, besides placing our troops in a situation to take an active part in aid of the Texans in case a reverse of their officers should render aid necessary."<sup>3</sup> Later we read from another officer, "The frontier is perfectly quiet. No Indian disturbances, and none likely to take place. The Indians are few in number, quietly pursuing their avocations, and, in my opinion, dare not molest the frontier settlement of Louisiana; and it is believed they never have entertained an idea of the kind. A thousand stories have been circulated to the prejudice of the

1. See Niles Vol. 50, p. 186. Gaines took great offense at this letter and replied to it. See Ex. Docs. 25 Cong. 2nd Sess. Vol. 12, pp. 790-1.

2. Niles, Vol. 50, p. 187. 3. Quoted by Jay, p. 27.





Indians, which have proved false. On this frontier a man would be considered very credulous, who should regard the reports which daily come from Texas,<sup>1</sup> This letter bears date of October 6, 1836, a short time before the Mexican Minister's departure. Another army officer quoted in the Arkansas State Gazette and dated September 21st, writes, "There is something singular in our occupation of Nacogdoches. There never has been, nor is there likely to be any difficulties with the Indians. They are as peaceable as could be expected, urging the necessity of keeping the white men out of their country. The principal chiefs say that the white men sell liquor to them, they get drunk, become quarrelsome, and they are apprehensive, lest they might, in their drunken quarrels, kill a white man; in which case they say war would ensue."<sup>2</sup>

The Natchitoches (La.) Gazette of September 24th says, "The United States troops, which General Gaines had so unwisely ordered across the Sabine, have been recalled."<sup>3</sup>

A careful perusal of the correspondence of General Gaines must convince anyone that he was anything but a neutral in spirit. He continually speaks of Mexico as "the enemy," though she was at this time a friendly nation. He seems also to have the idea firmly fixed in his mind that the boundary between the United States and Mexico is not at all definite and that therefore there is not much danger of violating our neutrality laws on that score. Neither does he seem at all averse to war. On the contrary, he seems anxious for it to come. He did not receive his orders of January 23d until March 28th. He, however, lost no time in carrying those orders into effect. He takes a great deal of responsibility upon himself. He writes March 29, 1836, "Should I find any disposition on the part of the Mexicans

1. Quoted from Army and Navy Chronicle by Niles, Vol. 51, p. 162.

2. Niles, Vol. 51, p. 162.

3. Niles, Vol. 51, p. 162.



or their red allies to menace our frontier, I cannot but deem it my duty, not only to hold the troops of my command in readiness for action in defense of our slender frontier, but to anticipate their lawless movements, by crossing our supposed or imaginary boundary and meeting the savage marauders wherever to be found in their approach towards our frontier."<sup>1</sup>

He tells the Secretary of War in this same letter that he is already in correspondence with General Planche of New Orleans with a view of the possibility "of my having occasion to invite the legion to join me." These gallant men have promised aid.

In his communication of April 8th, he states that he has received information from various sources that a "Considerable portion of several tribes of the Indians residing within our territorial limits have gone over to the Texas side of the boundary line," and that he has requested the governors of Louisiana, Mississippi and Tennessee to furnish each a brigade and the State of Alabama a battallion. These letters to the governors were written on the same date.<sup>2</sup>

The letter of April 20th is most interesting. He has found out that one white man has been killed "under circumstances which seemed to afford no conclusive evidence of a spirit of general hostility towards the inhabitants," however. He finds that Manuel Flores is on a hunt with a part of the Caddoes, but refuses to believe such peaceful news and determines to continue his warlike preparations. He encloses six documents to prove that the state of things is really alarming.<sup>3</sup>

These documents should be taken, it seems to me, with a grain of salt. They are from the Texans and are evidently greatly exaggerated as to the numbers of the Indians, at any rate. The only actually hostile act is the

1. See correspondence of Gen. Gaines in Ex. Doc. 25 Cong. 2nd Sess. Vol. 12, p. 768. 2. Ex. Doc. 25 Cong. 2nd Sess. Vol. 12, pp. 770-1.  
3. Ex. Doc. 25 Cong. 2nd Sess., Vol. 12, pp. 773-7.



murder of this one man Williams. Their statements have nothing in the way of proof back of them, and it is but too clear that they were very desirous of drawing the United States into the fight.

One thing, however, seems to be proved by sufficient testimony, and that is that the Mexican Government had agents among the Indians trying to secure them as allies. The testimony against Gen. Cos seems very damaging. But this is no proof that the Indians were actually hostile. It is possible that had the Texans lost in the battle of San Jacinto, Chief Bowles of the Cherokees, who was said to have a commission as Lieutenant Colonel,<sup>1</sup> and some others might have finally taken the war-path. The fact is, they did not. The testimony cited shows that they believed there was no distinction between the Americans on the West bank of the Sabine and those on the East.<sup>2</sup>

This seems the more probable, from the fact that immediately after that battle, General Gaines writes that the "Cherokees and other Indians in Texas from our side of the national boundary line are disposed to return to their villages, plant corn, and be peaceable."<sup>3</sup>

It appears that his apprehensions from the Indians rise with the appearance of a Mexican force and the possible overthrow of the Texan Republic, for when, contrary to his hopes very clearly expressed that Texas would be free after the battle of San Jacinto, he learns that its independence will not yet be acknowledged by Mexico, he adds: "The Indians may, therefore, again be required to act against the inhabitants residing in the disputed territory." He then regrets that he has ordered the movement of troops suspended and states that he has already warned Governor Cannon of Tennessee

1. Testimony of Nath Amory, Jr., in Ex. Doc. 25 Cong. 2nd Sess. Vol. 12, pp. 781-2. 2. Idem, p. 775.

3. Idem, p. 783.



"to calculate on the probability of another call to this place." His rage against the reports of military officers referred to above to the effect that no fear of an uprising of the Indians need be apprehended seems to indicate that the shoe pinched a little. One who was conscious of the correctness of his action would not be likely to give way to such a burst of undignified rage.<sup>1</sup>

That there was a serious danger of an Indian uprising for a time, the documents transmitted by Gaines sufficiently prove. That this danger disappeared with the defeat at San Jacinto seems also fairly certain; that it ever was sufficient to justify the invasion of territory belonging to Mexico seems impossible.

General Gaines' sympathy for the Texans seems to have had some influence in forming his beliefs. After the battle of San Jacinto, when the Mexicans were once more arming themselves and when the General again calls for troops from Tennessee, he writes General Bradford, of the Tennessee volunteers: "The Chivalry of Mexico are flying to the rescue of their president. A letter---informs me that the enemy were rapidly advancing towards his (Gen. Rusk's) position."<sup>2</sup> He mentions "the enemy" as though the United States were already at war with Mexico.

We know from Gaines' record in the Florida wars that he did not always use the best of judgment. Furthermore, Jackson himself in his letter to the Governor of Kentucky reflects upon his judgment. He says: "Regarding the reasons assigned by General Gaines as not consistent with the relations which we have maintained with Mexico, since the existence of civil war in Texas,--- I feel myself called upon to inform you that that requisition has not received my approbation, and that I trust, if the men called for have been brought

1. See letter of June 22, 1836. Ex. Doc. 25 Cong. 2nd Sess. Vol. 12, pp. 790-1.  
2. Niles Register, Vol. 50, p. 384.





into the field, you will forthwith cause them to be mustered and discharged, and await further orders from the general government in respect to any further requisition for the militia."<sup>1</sup> He says the present requisition is "unaccountable, particularly as it is believed that our western frontier is now tranquil."

On August 11th, the president wrote Governor Cannon, of Tennessee: "There is no information to justify the apprehension of hostilities to any serious extent from the western Indians."<sup>2</sup>

It is difficult to account for these letters from President Jackson and explain at the same time the position of the Secretary of State when he replies to the complaint of September 10th, by the Mexican Minister, by stating that on September 4th, the president had instructed General Gaines to enter Mexican territory if he shall be satisfied that any body of Indians who disturb the peace of the frontier of the United States receive assistance or shelter within the Mexican territory." Did Jackson wish to force war with Mexico at this time? To one Jackson writes that all is tranquil; to the other he writes as though all were the opposite. But if there had been any danger Jackson would not have ordered the disbanding of the troops, for he had himself authorized General Gaines to call on these governors for troops. Jay thinks the whole a pretext and "Stamped with the brand of falsehood by the confession made to the Governor of Tennessee." President Jackson himself says: "To sanction the requisition for the reasons which accompany it, would warrant the belief that it was done to aid Texas, and not from a desire to prevent an infringement of our territorial or national rights."<sup>3</sup> What were the reasons for calling out these troops a second time? We find, according

1. Niles Vol. 50, p. 430. 2. Niles Vol. 50, pp. 412-13.

3. Letter to Gov. Cannon, Aug. 6, 1836. See Niles Vol. 50, p. 413.



to the General's own statement, that the direct cause was that Major S. C. Robertson had reported to the General "that two men had been recently killed and another wounded, on the waters of the Navasota, in Robertson's colony, about twenty miles west of Nacogdoches, by the Indians of several different tribes (Caddoes, Ketchies and others) who had taken and carried away several women and children of the men killed."<sup>1</sup> And where was this killing done? We find the answer in a letter published by the National Intelligencer.

"General Gaines, for reasons best known to himself, has called upon the states of Mississippi, Kentucky, Tennessee and Louisiana, for a regiment of men each, and talks of executing his old instructions of crossing into Mexican Territory.....His plea is that some vagabond Caddoes have committed two or three murders about eighteen miles from Nacogdoches. These murders, if they have been committed, (which is likely) were committed seventy miles within the Mexican territory.....The friends of peace hope that General Gaines will have the good sense to stay where he is; the sort of a game he is made to play for others is well understood here."<sup>2</sup> This was certainly not immediately upon the border, yet General Gaines had been thus instructed by the Secretary of War.

"If the Indians are not employed immediately upon the border there will be no need of your advancing beyond the territory in the actual occupation of the United States,"<sup>3</sup> The actual order of General Gaines to the subordinate officer to proceed to Nacogdoches is dated July 10, 1836, and assigns as the reason this same trouble in the Robertson colony. His defense of his conduct in the letter of August 28th, to Gov. Cannon, reiterates and defends this reason. The letters of General Gaines must be read in their entirety to understand the man. And some of them are voluminous.

1. Niles Vol. 50, pp. 364-5. See also correspondence in Ex. Doc. referred to above.
2. See Niles Vol. 50, p. 365.
3. Niles, Vol. 50, p. 384.



How shall we account for Jackson's seemingly contradictory action?

It seems to me that he had committed himself in his instructions to Gaines in the first place, but that he was acting in a manner consistent with his former behaviour. As Garrison says, "It is not to be supposed that the man who had caused the execution of British subjects in Florida would show much forbearance" in the case of Mexico. "He probably had as little intention of provoking a war with Mexico in 1836 as with Great Britain in 1818, but he shrank from it neither in the one case nor in the other."<sup>1</sup> This, it seems to me, is as true of his action here as it is in his action regarding the claims. While he may have made a mistake, and in my opinion, did, in leaving such an important matter entirely in the hands of General Gaines, he shows in his action afterward, a dignity and self-respect worthy of his high office. Mr. Garrison is correct as regards Jackson's motives, but wrong when he says that the advance to Nacogdoches was justified by the emergency. The "actual outbreak of the Indians" he mentions,<sup>2</sup> was not serious enough to call for the interference of the United States; and although it is true, as he says, that the "Caddoes from east of the Sabine were credibly reported to have taken part" in that outbreak, the actual depredations of the Caddoes were not great, as has been shown, and what was done was the work of a scattered few and not the whole tribe. The advance to Nacogdoches was without any question an unjustified invasion of territory unquestionably Mexican. There is little reason to question Jackson's motives in this action. One may readily see that with a man of Jackson's temperament and character, it would be rather hard to look at the question from an entirely neutral and impartial standpoint. One only has to recall the subject of the bank to see

1. Westward Extension, p. 191.

2. Westward Extension, pp. 88-9. See House Exec. Doc. 24 Cong. 1st Sess. V. 1, No. 256 for account.



that his actions were influenced by prejudice and personal feeling rather than by soundness of reasoning and cool, impartial judgment. His desire to acquire the territory of Texas may have caused him to look on the different steps taken with a prejudice or bias which would be none the less real because he was unconscious of such a condition of mind. Jackson's mind was so constituted that it was easy for him to see right and justice in whatever he desired, and equally hard for him to see it in any cause not attractive to him. His actions were much influenced by his desires, though he would have honestly denied the fact. He was in the position of a strong partisan of a town acting as umpire in a game in which that town was represented. His was such a nature that he could not be strictly impartial in such a case. When we notice the fact that he instructed Mr. Butler, our Minister to Mexico, Aug. 16, 1835, to make an attempt to secure by purchase the territory bounded by the Rio Grande from its source to the 37th degree North Latitude,<sup>1</sup> and thence to the Pacific, we can the more readily see how he might be influenced in his actions regarding a war which was being waged at the same time for a large part of this territory.

The conclusion as to this point must be that Mexico had a very real grievance and one which would have caused war if she had been a stronger nation.

There is also the other claim on the part of Mexico that the soldiers of the United States actually engaged in the war on the part of Texas. This, too, seems to be easily proven. The Pensacola Gazette speaks of there being two hundred deserters of the army in uniform of the United States. The Editor remarks, "This is a new view of our Texas relations."<sup>2</sup> There is

1. Executive documents 1st Session 25th congress.

2. Quoted by Jay, p. 28, and by Niles, Vol. 51, p. 21.





clearer proof than this, however, in the proclamation of General Gaines himself, offering "a full pardon to those who had absented themselves from their regiments" provided they return by a certain day.<sup>1</sup> Here, too, the United States gave grave cause for offense.

There is also the matter of the appointment of four consuls to reside among the Texans. Jay says they were placed there for the "purpose of stationing in Texas confidential agents who might facilitate the progress of revolt, independence and annexation."<sup>2</sup> As to the fact that they served this purpose there is little question, but that they were deliberately appointed for that purpose seems a little too strong. The fact that they showed sympathy for the men of their own race was to be expected, but is no proof that they were sent there for such a purpose as Jay maintains. Here, again, Jackson was doing what he honestly believed to be right, but which we must unquestionably condemn in a neutral power.

The practical effect of the presence of Gaines' troops was that it facilitated the progress of the volunteers to Texas, gave countenance to the cause of Texas, and encouraged Texan sympathizers to go to Texas in larger numbers than they would otherwise have gone.

We have shown that the United States gave cause for offence on the part of Mexico during the Texan war by failing to observe neutrality in the following particulars: first, she allowed appeals for aid to be scattered broadcast and even to be printed in the official organ of the government; second, she allowed ships and munitions of war to be fitted out within her boundaries in aid of the Texans; third, she allowed agents of the Texan republic to pass publicly through the land holding mass meetings and re-

1. See Jay, p. 28.

2. Jay, p. 20.



cruiting troops for Texas; fourth, she stationed consuls in Texas, when that country was a part of Mexico, without any notice to that government; fifth, she invaded the territory of Texas while it was still a part of Mexico, a friendly power, on the pretext of maintaining the peace between the Indians and the combatants; but with the effect of aiding the Texans<sup>✓</sup>very materially; and sixth, her soldiers actually fought in the Texan ranks and were afterward taken back into the regular service with no punishment for their desertion.

All these things occurred during the presidency of a man who had said: "It is an established principle of the law of nations, that any individual of any nation making way against the citizens of another nation, they being at peace, forfeits his allegiance, and becomes an outlaw and a pirate."<sup>1</sup>

1. Jackson, in his order for the execution of Arbuthnot and Arbustler in Florida.



CHAPTER IV.

The Claims of the United States Against Mexico as  
a Cause of the Mexican War.

Much has been said on the subject of the claims of the United States against Mexico and the effect which these claims had on the relations between the two countries. Some writers take the position that the claims were perfectly just, and that the United States was fully justified in pushing them in the manner she did. Other writers point out that the claims were, many of them, old and even out of date, as they had arisen before Mexico became an independent nation, and also had been definitely rejected by the United States by treaties made at a later date. They also show that a mere pecuniary claim has not usually been considered a cause for war. It may be worth while to review briefly the whole subject again with a view to determining how far the United States was justified in its action, and what effect the whole matter had on the relations between the two nations. Mr. Jay, in taking up this subject, calls attention to two general principles, "which by the law of nations, limit the interference of a government in behalf of the demands of its citizens upon foreign powers for the redress of alleged grievances."<sup>1</sup> He shows first, that complaints growing out of contracts between citizens of one country with the government of another are not properly subjects for international discussion, and second, that "where by treaty a foreigner is entitled to seek redress in the courts of the country in which his alleged injury has been received, his government is not permitted to convert his wrong, whether real or imaginary, into a national grievance." It will be necessary to keep these principles in mind as we view this subject.

1. Jay. Rev. of Mexican War, p. 34.



July 30, 1836, the Secretary of State sent to Mr. Ellis a list of fifteen complaints against Mexico, at the same time acknowledging that "The department is not in possession of all the circumstances of the wrongs done in the above cases," yet claiming that "The complaints are such as entitle them to be listened to, and to justify a demand on the Mexican government that they shall be promptly and properly examined, and that suitable redress shall be afforded."<sup>1</sup>

The first official complaint to Mexico of the illegal seizure of vessels belonging to citizens of the United States was made in 1826.<sup>2</sup> Forsyth reported the latter part of 1834, and the report was transmitted to the House of Representatives by Jackson, January 5, 1835, that negotiations had thus far been unsuccessful because of the disturbed condition of Mexico, but that the prospect seemed to be hopeful.<sup>3</sup> But when the breach of relations came in 1836 the chances for settlement were lessened. Jackson, in his message of 1836, after treating of the departure of the Mexican Minister and defending again the action of the United States in regard to the invasion of Mexican territory by General Gaines, says: "In the meantime, the ancient complaints of injustice made on behalf of our citizens are disregarded, and new causes of dissatisfaction have arisen, some of them of a character requiring prompt remonstrance and ample and immediate redress. I trust, however, by tempering firmness with courtesy and acting with great forbearance upon every incident that has occurred or that may happen, to do and to obtain justice, and thus avoid the necessity of again bringing this subject to the view of congress."<sup>4</sup>

Such writers as Bancroft, Von Holst, Jay, Livermore, etc., take the

1. Forsyth to Ellis.--Niles Vol. 51, p. 410.
2. House Ex. Doc., 25th Cong., 2nd Sess. XII., No. 351, p. 245.
3. H. Ex. Doc., 23d Cong., 2nd Sess., No. 61.
4. Richardson's "Papers and Messages," Vo. 3, p. 238.





view that Jackson was insincere in these statements and that he was working with the South to secure a rupture with Mexico on these grounds. His language does certainly appear to be inconsistent at times. For example, the Secretary of State, Mr. Forsyth, speaking for the president, in the instructions to Mr. Ellis July 20, 1836, lays down certain coercive measures to be taken to force Mexico to right the "Accumulated wrongs" and threatening her with the breach of diplomatic relations if she does not make satisfactory reparation after three weeks notice only.<sup>1</sup> "If, contrary to the president's hopes, no satisfactory answer shall be given to this just and reasonable demand within three weeks, you will inform the Mexican government that unless redress is afforded without unnecessary delay, your further residence in Mexico will be useless. If this state of things continue longer, you will give formal notice---that unless a satisfactory answer shall be given within a fortnight you are instructed to ask for your passports."<sup>2</sup> Yet two weeks after these instructions were given, Jackson wrote to Governor Cannon of Tennessee that "Mexico has given the United States no cause for war," but that "Should Mexico insult our flag, invade our territory, or interrupt our citizens in the lawful pursuits which are guaranteed to them by treaty, then the government will promptly repel the insult and take speedy reparation for the injury. But it does not seem that offenses of this character have been committed by Mexico."<sup>3</sup> There is certainly some difficulty in reconciling such contradictory statements. Jackson's peculiar personality furnishes the only true explanation. He believed he was treating Mexico fairly; he believed that he had been very conservative; he was acting the conservative part in writing the letter to Cannon. He was trying to hold

1. See Niles LI., p.410, and H. Ex. Doc., 24th Cong., 2nd Sess., Vol. 21.

2. Ex. Doc., 24th Cong., 2nd Sess., Vol. 1.

3. Niles Vol. 50, p. 413.



himself back. In that letter he shows clearly his desire for annexation, and that he does not care much if war comes. But here, as elsewhere, he is trying to remember that he is before the eyes of the whole world, and that what he does must seem justifiable by even the most prejudiced. He wants Texas, and believes that the United States would be justified in annexing her, even should war result; he is not averse to war at any time, but he wishes to make himself and the nation clear in the eyes of the world.

To return to the subject of the claims. There had been some trouble over this matter before, as we have shown, but the treaty ratified April 5, 1832, settled everything previous to that date. Of the original fifteen claims transmitted to Mr. Ellis, not a single one goes back of 1831. This would not make them very "ancient." Even granting their validity, there was no excuse for the haste and impatience shown by the administration in regard to their collection. It has never been our custom to threaten war and recall our Minister over such a matter as a monetary claim, neither have we always been over prompt in the settlement of such claims ourselves. "The claims of Great Britain for British debts, secured by the treaty of 1783, were not settled and paid till the year 1803, and it was only subsequently to that year that the claims of the United States, for depredations committed in 1793, were satisfied. The very plain question of slaves carried away by the British forces in 1815, in open violation of the treaty of 1814, was not settled and the indemnity paid till the year 1826. The claims against France, for depredations committed in the years 1806 to 1813, were not settled and paid for till the year 1834. In all these cases peace was preserved by patience and forbearance."<sup>1</sup> Other examples of a later date might be given, the Alabama claims, arising at the time of the Civil War and not settled till 1872, being

1. Livermore, "War with Mex. Rev." pp. 33-34.



familiar to everyone. The action of the government over this matter at this time was, to say the least, unprecedented.

In 1835, Jackson had explained that the disturbed condition of Mexico had hindered the negotiations. Such was undoubtedly the case, and that was just as much a reason for patience in 1836 as in 1835. Yet we have seen the difference in his attitude, as shown by the instructions to Mr. Ellis, July 20, 1836. It will be recalled, that at this date the battle of San Jacinto had been fought and the independence of Texas seemed assured. There was then more reason to find some excuse for a breach of peaceful relations. Not that Jackson reasoned this out consciously, necessarily, but that unconsciously he was influenced by the desire to possess Texas. His correspondence shows this most clearly at the time of the first proposal on the part of Texas for annexation, which will be noted later.

With the instructions came the list of claims, and these we must briefly examine. The first is that of Baldwin,<sup>1</sup> who claimed that on Dec. 31, 1831, an alcalde instituted an illegal, arbitrary and oppressive proceeding against him, under color of a suit at law, preferred and carried on by a creature of the alcalde himself. Baldwin appeared before the alcalde; an altercation ensued; the alcalde ordered him to the stocks; Baldwin attempted to escape, fell, injured one of his legs, was caught, put in the stocks and afterwards imprisoned.

As to this case, there was no excuse for the United States to take action, as it was a case in which the complainant had access to the courts of Mexico for redress. Besides, the fact was not at all clear that Baldwin had been wronged, as there were already six criminal prosecutions pending against him.<sup>2</sup> He had been the terror of the town he lived in.

1. See the cases in "Instructions." Niles Vol. 51, pp. 410-11.

2. Jay, p. 43-47. For charges against him see Ex. Doc. 25th Cong. Vol. 12, pp. 511-558-61.



The next case was that of the Topaz, a schooner of Bangor, Maine, employed by the Mexican Government to carry troops from Matamoros to Galveston Bay. The master and mate were murdered by the soldiers on the passage, the crew imprisoned, and the vessel seized and converted to the Mexican service.

The answer of the Mexican Government to this charge was that the "Topaz was wrecked; that after she was stranded, and while the soldiers were in the hold, the American crew shut the hatches, and murdered three Mexican officers who were upon deck. That the object of the crew was to carry off the money on board; that the soldiers forced the hatches, attacked the crew, killed one and secured the others for trial."<sup>1</sup> There could be no claim for damages here, it seems. The date of this charge was 1832.

The third claim was that of the Brazoria, an American schooner, which was seized June 21, 1832, in the port of Brazoria, by John Austin, commandant in that quarter, and employed to make an attack upon Anahuac, then in possession of the insurgents. During the attack she was injured, so as to be made unseaworthy, and was abandoned as a total loss, for which the underwriters had received no compensation.

The answer of the government on this claim was that the Brazoria was pressed into the service of the Texan colonists by Austin, and had been abandoned by her owner with protest for loss and damages. The minister of war had ordered that she be sold and the proceeds paid into the treasury. On proof of ownership the government was ready to pay an equitable indemnity.<sup>2</sup> Here, again, there seems to have been no necessity for violence.

The fourth claim related to a certain steamboat, the Hidalgo, a schooner, Consolation, and a brig, John, all belonging to Aaron Leggett, of New York.

1. Jay, p. 43-7, and Niles, Vol. 51, pp. 410-11. For full correspondence on claim see Ex. Doc., 24th Cong., 2nd Sess., Vol. 3, No. 139.

2. Jay, p. 43-47, and Niles Vol. 51, pp. 410-11. Correspondence in Ex. Doc., 24th Cong., 2nd Sess., Vol. 3, No. 139, especially paper 55.





The Hidalgo and Consolation were forcibly taken possession of by Mexican officers at Tabasco, and used by them. The brig was detained also and money was extorted from Leggett. The consequences are represented to have been ruinous to the sufferer.<sup>1</sup>

As to this, the government replied that he owed the government and that the government had a contract with him, and that nothing is due him. If he thinks otherwise, let him establish his claim before the tribunals. Here, again, there seems to have been no excuse for interference on the part of the United States.

The fifth claim states that in March, 1834, Captain McCeige of the Schooner Industry, of Mobile, was imprisoned at Tabasco, and an exorbitant fine demanded of him without cause. The payment of the fine being the only condition upon which he could be allowed to depart, he abandoned his vessel and her cargo to the authorities, who afterwards sold them.

The government replies that the case has been investigated, that the government had ordered the prosecution of the offending officer, and will indemnify Captain McCeige. There had surely been no very tedious delay here, and seems to have been no desire on the part of the government to avoid paying a just claim.<sup>2</sup>

The sixth claim states that in the summer of 1834, the brig Paragon, of New York, was causelessly fired into on her way to Vera Cruz by the Mexican public armed Schooner Tampico. In answer to an official representation on the subject by Mr. Butler, that government promised that the affair should be inquired into; but the State Department was not informed that the promise had been fulfilled.

1. Jay, p. 43-47, and Niles Vol. 51, pp. 410-11. Correspondence in Ex. Doc., 24th Cong., 2nd Sess., Vol. 3, No. 139, especially paper 55.

2. Idem. Correspondence in Ex. Doc., 24th Cong., 2nd Sess., Vol. 3, No. 139. Especially paper No. 55.



In answer to this the government stated that orders for the trial of the officer who fired into the Paragon had been given. The result of the trial is not yet known.<sup>1</sup>

The seventh claim stated that in May, 1835, the brig Ophir, of New York, was boarded at Campeachy by officers supposed to belong to the custom house, and to an inquiry as to which of the ship's papers it would be necessary to show at the custom house the answer was accidentally or intentionally misinterpreted; and in consequence, notwithstanding all the papers were shown to the boarding officers, the invoices only having been exhibited at the custom house, the vessel was seized and condemned.

The reply was that no wrong had been done. The vessel had been properly condemned for want of the necessary papers. An appeal had been taken to a higher court, before which the missing papers were produced, and the vessel discharged.<sup>2</sup>

The eighth claim was that of the vessel Martha. In May, 1835, it was claimed that for an alleged non-compliance with some of the formalities of the revenue laws, the Schooner Martha was seized at Galveston Bay by the Mexican armed Schooner Montezuma. Four of the passengers of the Martha were put in irons under the hatches of the Montezuma, merely for an imputed intention to use their fire-arms against a guard that had been placed on the Martha.

The reply stated that the government had called for information, but as yet had received none on the case.<sup>3</sup>

The ninth stated that in November, 1835, the Schooner Hannah and Elizabeth, of New Orleans, was stranded in an attempt to enter Matagorda Bay. While in this condition she was fired into by the Mexican armed Schooner Bravo,

1. Idem.

2. Idem.

3. Idem.



boarded by twenty armed men under command of two officers, who took the master, crew and passengers from the wreck, pillaged them of their clothes and chained them in the hold of the Bravo until their arrival at Matamoras, where they continued in confinement till at the urgent request of our consul, all but the captain were released. It is not known to the department that he has yet been liberated, or that any satisfaction has been offered by the Mexican government.<sup>1</sup>

Here, again, the first reply stated that the government had called for but had not received a statement of the transaction.<sup>2</sup>

The tenth charge was that on February 17, 1836, two citizens of the United States, William Hallett and Zalmon Hull, by name, were arrested in the streets of Matamoras by a party of armed soldiers, who struck Hull in the face with a sword. They were forcibly detained on suspicion of being about to proceed to Texas. Sentinels were placed at the Consul's door under false pretences and all communication with the house prohibited. Armed soldiers broke open his gate during his absence, took a mare and two mules of his, entered his house and searched it. Hallett and Hull have been released but no reparation made for the proceedings against them or for the insult to the Consul.

Here again, the government was, at the time, ignorant and had called for information.<sup>3</sup>

The eleventh was settled to the satisfaction of the Minister before Mr. Forsyth's dispatch reached him. Mr. Slocum, bearer of dispatches, had been detained and fined, though protected by a courier's passport, and though the letters were addressed to the Charge d'Affaires of the United States in Mexico. The government had censured the Postmaster and remitted the fine

1. Idem. 2. Idem. 3. Idem.



of six dollars.

The twelfth stated that the Steamer Eclipse was in March, 1836, detained at Tabasco, and her master and crew maltreated by the authorities.

As to this the government was still uninformed.

The thirteenth state that in April, 1836, the Schooner Compeer, and other merchant vessels of the United States, were forcibly detained at Metamorás.

The reply was that these vessels were detained at Metamorás in consequence of a general embargo on all vessels without distinction, imposed by the commander of that department without the knowledge of the government, which disapproved of and revoked it.<sup>1</sup>

The fourteenth, relating to the revenue cutter Jefferson being forbidden to enter Tampico, and the arrest of a part of the crew for attempting to enter, had also been disposed of before the arrival of the dispatches of Mr. Forsyth. The officer in charge had been removed for his harshness.

The fifteenth related to the vessel Northampton, wrecked in 1836 near Tabasco and taken possession of by custom house officers and soldiers. The government had called for information.

To these original fifteen complaints Mr. Ellis saw fit to add five more without instructions. They were just as trivial in their nature and had still less of justice in them.

Such are the wrongs of which Jackson, in his message, makes so much. Not one of these wrongs are charged directly to the Mexican government. Individuals have apparently in some cases acted beyond their own authority and been guilty of oppression, but the government seems to have been ignorant of these offenses.

Mr. Garrison says that while some of these claims were ill-founded,

1. Idem.





they"were a proper subject for diplomatic inquiry and urgent demand for adjustment."<sup>1</sup> This is true, but they were hardly a proper cause for such an urgent demand and such strenuous and high-handed proceedings as our government indulged in. One can hardly imagine the United States tamely submitting to such treatment from such nations as England or France. Neither can one imagine this great nation proceeding in such a manner in its claims on those countries. On September 26th, Ellis laid these thirteen claims which Forsyth had forwarded before the Mexican Minister, and was promptly assured that they would be investigated. It will be remembered that these were all very recent claims. The government had probably never known of their existence before. But in less than four weeks, October 20th, Ellis, true to his instructions, informed the Mexican government that unless the wrongs complained of were redressed without unnecessary delay, "His further residence in Mexico would be useless." A calm reply came from the Mexican Minister in answer to this insulting and bulldozing note. He was shown the impossibility of attending to such matters in a moment's notice; but on November 4th he gave notice that if his complaints were not satisfactorily answered in two weeks, he should demand his passports. The Mexican government made such a statement as was possible in the time allowed, the substance of which has been given above,<sup>2</sup> Mr. Ellis, after receiving these explanations and assurances from the Mexican government, demanded his passports, December 7, 1836. When the Mexican government desired to know the cause for such a step, he remained silent. There seems to have been no reasonable answer. His action throughout indicates that he was very desirous of a breach of relations between the two countries.

Jackson's message of February 6, 1837, followed almost immediately upon

1. "Westward Extension," p. 191.

2. For Mr. Monasterios Statement see Ex. Doc., 2nd Sess. 24th Cong., Vol. 3, No. 139, paper No. 55.



his receipt of Ellis's report of Mexico's "unsatisfactory" answer to our demands. It will be recalled that Jackson had not seen these replies; that the responsibility is here upon Ellis. Mr. Jay here throws the blame entirely upon the administration. According to him and others of the same high rank, this matter was all planned out before. Congress was not ready to annex Texas, so something must be done to force Mexico to the offensive,<sup>1</sup> Garrison's explanation of Jackson's conduct seems to be borne out by the correspondence of the time and by Jackson's action at other times. He thinks Jackson had "As little intention of provoking a war with Mexico in 1836 as with Great Britian in 1818, but he shrank from it neither in the one case nor in the other."<sup>2</sup> But just because this was Jackson's way does not excuse him. We may excuse him from the charge of "conspiracy" on this point, but we must charge him with haste, unreasonableness and lack of judgment. Jackson says in the message of February 6th, "The length of time since some of the injuries have been committed, the repeated and unavailing application for redress, the wanton character of some of the outrages upon the property and persons of our citizens, upon the officers and flag of the United States, independent of recent insults to this government and people by the late extraordinary Mexican Minister, would justify in the eyes of all nations immediate war."<sup>3</sup> How old were these claims? The oldest dated back to 1831, only, and although Garrison states that the validity of older claims was acknowledged by the Mexicans themselves, that acknowledgment would not be given by them after the treaty of 1832. And even had there been no treaty, many of the claims previous to that date were absurd. But Mexico was dealing with the claims dating from 1831. Those only were presented by Mr. Ellis, and it is unfair to drag in any older claims that may have existed, though

1. Jay, pp. 49-57. 2. "Westward Extension," p. 191.

3. Richardson's "Messages," Vol. III, p. 278.



some of them may have been fair enough. It was Mexico's action on the original claims sent Mr. Ellis that caused that gentleman to demand his passports, and whatever claims there may have been besides these, they cannot be considered in judging the action of both governments at this time. Mexico's reply showed that she was not trying to evade the terms of the treaty. The action of the United States does not show this. For according to the treaty it was stipulated that neither party shall order or authorize any act of reprisal, nor declare war against the other on complaints of grievances or damages, until the said party considering itself offended shall first have presented to the other a statement of such injuries or damages, verified by competent proof, and demand justice and satisfaction, and the same shall have been either refused or unreasonably delayed.<sup>1</sup>

Yet Jackson in his message recommends that an act be passed authorizing reprisals, and the use of the naval force of the United States by the Executive against Mexico to enforce them, in the event of a refusal by the Mexican government to come to an amicable adjustment of the matters in controversy between us upon another demand thereof, made from on board one of our vessels of war on the coast of Mexico.<sup>2</sup>

Mexico had not refused satisfaction or unnecessarily delayed. The so-called "insult" of the Mexican Minister was no more than might have been expected of any loyal representative upon seeing his country about to be invaded by the troops of a power with which his nation was then at peace. Especially if his nation were the weaker one of the two in question. It was simply a protest to the representatives of all the foreign powers at Washington. Jackson also wonders at his sudden and unreasonable departure. What must we think today of Ellis's departure from Mexico? Moreover, Forsyth him-

1. See treaty Ex. Doc., 22nd Cong., 1st Sess., Vol. 5.

2. "Messages of Pres." p. 278.



self admits the claims were not verified.

Congress failed to go as far as the president recommended, however, but decided on another mission to Mexico, whenever the president should think intercourse could honorably be renewed.

Jackson had submitted with his message of February, forty-six claims, the earliest dated 1816, before there was a Republic of Mexico.<sup>1</sup> Van Buren's special messenger to Mexico, (Ellis, though appointed Minister again, did not go) was supplied with fifty-seven. Thirty-two of these date back prior to 1832, the date of the ratification of the treaty of friendship between the two republics. In July, 1836, there were thirteen valid, or at least apparently valid claims. On February 6, 1837, there were forty-six, and July 20, 1837, this courier of the United States government arrived in the City of Mexico with fifty-seven. These claims should be closely examined by any one who wishes to make a decision as to their validity. They are in themselves the strongest proof that the administration was spoiling for a war, and preferred to have it with weak Mexico. They cannot be examined in their entirety, but a few of them will give a fair idea of the spirit which animated the government which made them the cause of a breach of relations with another power.

There is the claim of A. Pell and brother for the destruction of types taken and destroyed by an invading force of Spaniards at Tampico.<sup>2</sup> Jay says of this claim: "We can judge of the effect of such a claim on the Mexicans by supposing a demand of the French king upon the American government for payment of injuries received by one of his subjects from the British troops while in possession of the City of Washington."<sup>3</sup>

There is among the last eleven, the claim of \$8260 for 56 dozen bottles

1. See Ex. Doc. 24th Cong., 2nd Sess. Vol. 3, Doc. 139, paper 81.
2. See Ex. Doc. 24th Cong. 2nd Sess. Vol. 3, No. 139, paper 81.
3. See Jay p. 62.





of porter. Mr. Pendleton of Virginia, says of this claim: "I believe the best London porter can be purchased in any part of the world for something like three dollars a dozen; and I estimate this porter very liberally, therefore, when I put it down at \$200. What do you suppose is charged for it in this account? Why \$1690. But this is reasonable compared to the interest charged upon the price. That is, for less than six years, set down at \$6570, making for fifty-six dozen bottles of porter the nice sum of \$8260."<sup>1</sup> He adds that many are more unreasonable than this.

One of the older claims is that of A. P. Chouteau and Julius De Mun. It is a claim made for \$30,380.74-1/2 for imprisonment and confiscation of property in 1817. The claimants state that while acting as chiefs of a hunting expedition they, with their followers, were arrested by Spanish authorities, carried to Santa Fe, and without trial imprisoned...for alleged trespass upon the dominions of Spain in that quarter.<sup>2</sup> There would be just as much justice in a claim for damages being presented to the United States for settlement on the grounds of property seized by the British government on a similar charge in the days of the colonies.

Mr. Garrison seems to imply that the greater part of these old claims were for property losses during the war for independence. The above, which is a fair sample, shows that usually there was no connection of the claim with the war of independence and therefore no possible foundation for a claim on Mexico. In fact, only two of the forty-six sent by Jackson had any connection with that war. These were claims in connection with General Mina's expedition and the amounts were not stated.<sup>3</sup>

It is true some of the claims are valid, but even these are greatly exaggerated. The chief point here is not as to the mere injustice of the

1. See App. to Cong. Globe for 1847. pp. 461-66.

2. For a detailed statement of the case, see Waite's State Papers, Vol. 12, p. 435. 3. See Ex. Doc. 2nd Sess. 24th Cong. Vol. 3, No. 139, paper 81.



claims or their amount, but that none of these claims were of such a nature as to demand the interference of the home government. Throwing out those which date back to Spain, and those which, being land claims on the State of Texas, and therefore being referable to that state, we see that most of those remaining are either claims of Americans resident in Mexico, and citizens of Mexico, who, because of this fact are not warranted by the principles of international law in applying to the government of the United States for any redress of grievances suffered in the country of their adoption; or claims founded upon contract with the Mexican government, for the settlement of which they are allowed to sue in the courts of that government, and therefore subjects for the settlement of which they are not warranted in asking the forceful interposition of their own government.

Therefore, when Jackson asked that settlement be demanded from on board an American war ship, he was demanding something for which he had no warrant, either in law or justice. Congress itself seems to have been more conservative than the president. The report of the House has been called an exaggerated report,<sup>1</sup> But the facts stated there, though they may have been exceptional in their nature, deserve, it would seem, a hearing, and the language of the report seems to be reasonable, considering the provocation which the report itself reveals. They try to excuse Mexico for her insults to our flag and injuries to the property of American citizens on the ground that "the numerous and radical changes have prevented a fixed policy from being pursued in its foreign affairs."<sup>2</sup> This was undoubtedly true, but the other reason for Mexico's behaviour given by the committee seems very reasonable also: namely that "It has sprung, in part, from a knowledge of the form of our government, and the limited powers of its executive branch." It is the more credible that the committee produce illustrations with which to back it

1. Jay, p. 60. 2. See Rep. of Com. 2nd Sess. 24th Cong. No. 281.



up. The case given as an example is that of the Schooner Jefferson, which was prohibited from entering Tampico and the Lieutenant of which with a boat's crew, who went on shore were imprisoned.<sup>1</sup> The demand for satisfaction was haughtily refused till the Sloop of war, Grampus, and a corbette appeared; when the Mexican government had supplanted the officer in command at Tampico "by substituting in his stead a chief who, it flatters itself, will know how to preserve greater harmony with the agents and subjects of foreign nations."<sup>2</sup> Yet this officer was later recalled into service and assigned to a command upon the coast, where later he again gave offence in the case of the arrest of the seamen of the sloop of way Natchez, for which offence no punishment had been meted out.<sup>3</sup> We may well understand that while such was the treatment accorded our seamen and vessels, our Charge d'Affairs would not be inclined toward leniency toward Mexico in the matter of our claims and that he should write as he did December 7, 1836, "If those (the claims) that might be presented should be all acknowledged as just, yet, so long as the several cases of unprovoked and inexcusable outrage inflicted on the officers and flag of his country, which have been heretofore submitted to the Mexican executive, remained unsatisfactorily answered, he would have but one course to pursue."<sup>4</sup> Here we have, then, at least a partial explanation of Mr. Ellis' hasty action in demanding his passports on this same date, December 7, 1836, noted above. But a part of the explanation must be found in the fact that Mr. Ellis was from Mississippi, and, in the words of J. Q. Adams, "Famishing for Texas."

The House had also in its report asked that "A diplomatic functionary of the highest grade should be appointed to bear this last appeal, whose

1. Rep. of Com. H. 2nd Sess. 24th Cong. No. 281.

2. This bill will be remembered as the 14th claim. See above.

3. For full correspondence in case of Natchez see papers 1-52 in No. 139 referred to above.

4. Quoted in the House report.



rank would indicate at once the importance of his mission, and the respect in which the government to which he is accredited is held."<sup>1</sup> But instead of this high functionary, a mere courier is sent. True, Mr. Ellis was again appointed, but he did not go, and if he had gone instead of the courier he would have been hardly less satisfactory to Mexico. The report of the house finally closes with a resolution of two clauses. The first states that the United States would be justified in taking measures to obtain immediate redress by the exercise of its own power. The second states that as an evidence of the desire of the American government to preserve peaceful relations with Mexico, the president is respectfully requested to make another solemn demand, in the most impressive form, for redress of grievances. The action of congress certainly seems to compare very favorably with that of the president here.

There is one point in this report which deserves criticism, as being too much like the language of the president on similar occasions. It reads thus:<sup>2</sup> "Looking through the catalogue of complaints which the United States have to make against Mexico--- the committee is unable to perceive any proof of a desire on the part of the Mexican government to repair injury or satisfy honor."

This is unfair to Mexico. When one follows that country through the maze of changes in her government one is rather inclined to wonder that any semblance of foreign relations was ever attempted. But we find that Mexican statesmen again and again acknowledged the debt they owed to the United States, and regretted the fact of their inability to treat with her in a manner befitting her deserts.

To give a few examples, let us go back to 1830. Bustamante, then

1. Com. Rep. 2nd Sess. 24th Cong. No. 281.

2. Rep. of Com. 2nd Sess. 24th Cong. No. 281.





President, in addressing himself to the president of the United States, says: "I shall personally devote myself to extinguish every trace of disgust or ill feeling which, from causes to which it is not necessary to refer, are believed to exist between our respective countries. I behold in your republic the oldest friend to the independence of this. I believe the bond of friendship should be strengthened and I consider it a primary obligation to promote the most intimate relations between the two people."<sup>1</sup>

Again, when Santa Anna became president in 1834, the following sentiments are found in his letter to President Jackson. "While my administration lasts, nothing shall be neglected which can contribute to preserve and increase those relations which now happily subsist between the two States."<sup>2</sup>

But the Mexican government did not content itself with mere words, as has been so often charged against it. A multitude of examples might be given where the action of the representatives of Mexico appear in a very favorable light as compared with those of the United States. The case of Mr. Butler is the most striking one. While representing the United States in Mexico he had a quarrel with the Secretary of War, Mr. Tornel, and entirely forgot the requirements of his office. The correspondence is well worth reading. An idea of the manner in which he conducted his part of it may be gained from a brief extract or two. In one letter he writes: "When I despatched my first letter to you I had two objects in view: one was to apprise you that I had very correct information of your malicious and contemptible proceedings; and the other was to insult you in terms so direct and gross as might excite you to resent them. Your dastardly spirit has disappointed me in the last, and shown you equally destitute of the honor of a gentleman and the courage of a soldier; and could I now imagine any form

1. Ex. Doc. 25th Cong., 2nd Sess. Vol. 12, No. 351.

2. Idem.



of insult by which you could be roused into resentment, there are no words, however energetic and offensive, that I would not employ to effect that purpose.....As I take no secret advantage of any man, you are now apprized of my intentions, that you may go prepared; for be assured, that meet you when or where I may, you shall receive the discipline of my cane or horsewhip."<sup>1</sup> Certainly this is warmth for a Charge d'affairs to show toward so high an official as the Secretary of War. But the affair did not end here. Mr. Butler was notified that he must leave the country in eight days. He did not answer this notice for some time, but finally, after receiving another letter from Monasterio stating that the "President had seen with surprise and displeasure" that he had not left the country in the time specified, nor had he replied acknowledging the receipt of his passport, he wrote another scalding letter.<sup>2</sup> "Under certain circumstances," he says, "such conduct on my part might be deemed uncourteous; but in the present instance I find myself not only excused, but justified in the course which I have adopted." He then explains that the order of dismissal did not bear date from the department of state nor had the writer designated himself as secretary, and hence he knew not in what light to view it. He then goes on to defend himself at length and denies that he was guilty of any crime which could have justified such an order. The answer of Mr. Monasterio is a delightful contrast to Mr. Butler's in point of brevity and in point of logic. He shows him the fallacy of his excuse very plainly.<sup>3</sup> "The practice in the department of state is, that those notes only which are directed to actual diplomatic ministers shall commence with the formula, the fault of which you now censure. The undersigned could cite on his part, certain communications from

1. See correspondence in Ex. Doc. 25th Cong., 2nd Sess., Vol. 12, p. 600, Et. Seq.

2. See letter in Ex. Doc. 25th Cong., 2nd Sess. pp. 606-10, Vol. 12.

3. See letter in Ex. Doc. 25th Cong., 2nd Sess. pp. 610-11, Vol. 12.



Mr. Butler,---without the formula referred to,---and which, notwithstanding this circumstance, his signature being known, were properly disposed of."

Mr. Butler then notified the Mexican Secretary that he will take the North-eastern route and asks for a passport and an escort. The passport allows him to take any route except through Texas, the explanation being that "Inasmuch as the colonists of Texas are now in a state of rebellion,--the Supreme Government has interdicted all communication with that country."<sup>1</sup>

Butler replies with another lengthy epistle asserting the rights of foreign representatives in such cases according to international law, and finally notifies the government that there is on foot a plot to assassinate him. Throughout this correspondence there is an abundance of evidence that Mr. Butler is clearly in the wrong on every point, and it is just as plain that he lacks the dignity and self control shown by Mr. Monasterio. For example, when Mr. Butler boasts that he could return by any route he chose, and that he was in no way bound to notify the Mexican government or ask for a passport, he is answered thus, as to travelling through Texas: "His excellency rests upon the justice of the provision, and the illustration afforded by the government of the United States, who cannot deny the right possessed by all nations to prevent communications with a portion of their rebellious subjects,--a provision which would be justified not only by these principles, but the language which Mr. Butler has used to combat them." Then as to the passport: "The indication that Mr. Butler would travel without a passport is so much the more surprising when he knows very well that no individual, be he native or foreigner, is allowed to embark from any of our ports without being provided with this document. This is a regulation to which all diplomatic agents have submitted, even those of a higher grade than Mr. Butler." Such encounters make one feel that he is witnessing the disciplin-

1. Ex. Doc. 2nd Sess. 25th Cong., Vol. 12.



ing of an angry, unreasonable boy by a kind, considerate, yet firm parent. They make an American blush for shame. Mr. Butler completes the likeness by returning the passport and announcing that he will go when and by what manner he pleases. In every case he is exceedingly verbose and lacking in acumen. It is but just to the administration of Jackson to say that the action of Butler was disapproved, though the notice of that fact did not reach Mexico through Mr. Ellis.<sup>1</sup> It arrived too late and a copy of it was transmitted to Mr. Castillo at Philadelphia March 1, 1837. The reply to that communication furnishes another example of the expression of good will by the representatives of Mexico, backed up by deeds. In closing this Butler affair he says: "It may be hoped that time will dissipate all that is groundless in this affair, and that the Mexican government will be found never to have failed in its desire and its disposition to do justice in all cases in which it is due, without any other consideration or motive than its love of equity. The undersigned hopes that this observation will be received in the same spirit by which it was dictated."<sup>2</sup> Whoever reads the correspondence of this period must admit that the representatives of the Mexican government conducted themselves with a dignity, reserve, forbearance and self control in striking contrast to the behavior of many of the representatives of the United States; and that they showed as great evidence of an honest desire to "repair injury and satisfy honor" as did our representatives.<sup>3</sup> The action of our representatives might well be given, on the other hand, as one of the causes of the war; for whether they were sent for that purpose or not, they certainly had the effect of stirring up the Mexicans against the United States.

We have seen that Ellis had himself and with no just cause broken the

1. Ex. Doc. 25th Cong. 2nd Sess. Vol. 12, p. 750.

2. " " " " " " " " 12, p. 751.

3. The whole correspondence may be found in Ex. Doc. 25th Cong. 2nd Sess. Vol. 12.





relations between the two countries by asking for his passports; that Congress has asked that Mexico be given one more chance, and that the president had appointed Ellis as Minister but had sent a mere messenger with fifty-seven claims, all but eighteen of them new as far as the Mexican government was concerned; that this messenger was given but one week to bring Mexico to terms;<sup>1</sup> and to secure also a disavowal from her of Gorostiza's pamphlet.

On July 20, 1837, the messenger presented his list of claims and on July 29th he received a reply from the Minister of foreign affairs saying that each claim would be taken up and considered promptly, but that this must take some time.

Mexico had meanwhile passed a decree, May 20, 1837, authorizing the arbitration of the claims, and proposing a third party as arbiter in case of disagreement. They proposed Prussia as the arbiter.<sup>2</sup> The United States accepted, May 10, 1838.<sup>3</sup> Martinez was at New Orleans at the time and had to await the papers giving him the necessary powers to act in this capacity. A convention for the settlement of the claims was arranged for, being ratified April 7, 1840. There were to be four commissioners, two from each country, and Baron de Roenne, the Prussian Minister, was to act as arbiter. The powers of the commission were to terminate in February, 1842, a period of eighteen months being allowed for the investigation of the different claims.

These claims may be divided into four classes. First, those allowed by the commission and umpire, amounting in all to \$2,026,139; second, of those allowed by the American commissioners but not allowed by Mexico and not decided by the umpire, amounting to \$928,627; third, the claims never acted upon by the commission because presented too late, amounting to

1. Rep. of Cong.--29th Cong., Sess. I, Vol. IV.

2. Apr. 30, 1838. See note of Martinez to Forsyth in Ex. Doc. 25th Cong. 2nd Sess. Vol. 12, p. 756.

3. Idem, p. 758.



\$3,336,837; and fourth, the claims rejected, though part were allowed by American commissioners, \$5,568,795.

This makes a total of \$11,860,578.<sup>1</sup> There have been a good many things shown by these figures. They have been made to prove both the justice and injustice of the claims as a whole. Some writers made them all of one kind, whereas they are quite different. Of those which were the proper subject for interference on the part of the United States, it will be found that there were \$638,000 in the \$2,026,000 actually awarded by the Commission. If we examine the \$4,300,000 in round numbers that was not decided by the commission at all from whatever cause we find such items as the Union Land Company, \$680,000; Trinity Land Company, \$2,154,604.<sup>2</sup>

Now these claims, and others like them, are land claims, for lands in Texas, and the contract is with the State of Texas when it was a department of Mexico. These claims, if good for anything, are good for the land, and the land is in Texas. They rest on the ground of contract and are thus not a subject for governmental interference, though they may be cause for a government to offer its friendly offices. Most of the claims are of this kind. Here we see how little excuse there was for such strenuous demands on the part of any government.

Mexico was, according to the convention of 1839, allowed to pay the awards in treasury notes. These treasury notes were then worth only about thirty cents on the dollar. An additional issue would have still further reduced them.

No better answer to the charge made by the committee in its report that Mexico had shown no desire to "repair injury" can be given than the fact that Mexico, poor as she was at the time, chose to pay in coin or its equiv-

1. For the different figures on these see Bancroft's Mexico, Vol. V, p. 318; Jay p. 70; Livermore, p. 34; Garrison's "West Ex." p. 194. Bancroft has \$918,627 instead of \$928,627. See also Pendleton in App. of Cong. Gl. 1842.

2. See Ex. Doc. 27 Cong. 1st Sess. V. 5. Also speech by Pendleton in Globe, 1847, App. pp. 461-7.



alent.

The new convention arranged January 30, 1843, has been represented by some as a boon granted to Mexico.<sup>1</sup> Garrison says, "Mexico failed to pay the claims approved by the Commission; and on January 30th a new convention was signed, etc.,<sup>2</sup>" plainly implying that this second move was in the nature of a concession to Mexico. The claims had been awarded less than a year before the new arrangement was made. It was the American government which was the gainer by this new arrangement.

Waddy Thompson was appointed as the new minister to Mexico, and he no sooner arrived than he began to arrange for this new convention. He was appointed in March and had completed the negotiations in ten months from his appointment. "The fact is that even by Thompson's showing the owners of the claims were anxious to make some other arrangement that would save them heavy loss in the acceptance of treasury notes."<sup>3</sup> By this arrangement the accrued interest due the claimants was to be paid April 30, 1843, and the remainder, with interest, in twenty equal quarterly instalments, beginning on the same date. Mexico paid three of these instalments. The agent of the United States gave, under peculiar circumstances, receipts for the instalments of April and July, 1844, before they were paid by Mexico, so the United States assumed these instalments.<sup>4</sup>

Thompson says in regard to this matter, "The market value of the treasury notes was about thirty cents on the dollar, and, if this additional two millions had been thrown on the market, they would have depreciated still more. The owners of these claims knew this, and were anxious to make some other arrangement."<sup>5</sup>

1. Report of C. J. Ingersoll, Chairman of Com. of For. Rel., June 24, 1846.
2. Westward Extension, p. 195. 3. Bancroft's "Mexico," Vol. V., pp. 319-20.
4. Livermore's Rev. of War with Mexico," p. 34. See also Jay, Garrison and Bancroft.
5. Thompson's "Recollections of Mexico," p. 223.



Mr. Calhoun says "It became a matter of importance to effect some other arrangement by which specie should be substituted in their stead."<sup>1</sup>

The new convention also arranged for a new arbitration treaty in which settlement should be made of claims by the government of Mexico against the United States, as well as claims against Mexico. This treaty was concluded November 20, 1843. The joint commission was to sit in Mexico, and the umpire was to be named by the King of Belgium.

The treaty had bound the United States to submit the claims of Mexico on the United States to arbitration. Yet the Senate struck out the clause providing that each government might prefer its claims against the other, and also changed the place of meeting, naming Washington instead of Mexico. Thompson had done his best to change the place to Washington himself, but wrote that "It was a matter of punctilio, and as with a Spaniard punctilio is everything, I was well satisfied it would be a sine quo non, and therefore yielded it."<sup>2</sup>

Mexico took no further notice of this treaty, and hence arose the cry that Mexico refuses to settle the claims of the citizens of the United States upon her. Polk says on this point, "Mexico has thus violated a second time the faith of treaties by failing or refusing to carry into effect the sixth article of the convention of 1843."<sup>3</sup> This is certainly enough to cause an American to blush with shame.

That there had been no further payments was due to two things. First, Mexico was unable to pay, even if disposed to do so;<sup>4</sup> second, she was not

1. Letter of Calhoun to Shannon, Minister to Mexico, June 20, 1844.

2. Quoted by Jay, p. 77.

3. Messages and Papers. Polk's Message of December, 1846, p. 478.

4. Garrison's "Westward Extension," p. 195.





disposed to pay because of the rise of the question of the annexation of Texas.

In this very brief review of the question of the claims it has been shown that the claims themselves, while in some cases valid, in more cases were either invalid or grossly exaggerated; that Mexico had shown a desire to pay those which were reasonable, and had actually begun the payment of them, though in a very bad condition financially, and forced to raise the money by forced loans; that there was no excuse for the hasty and insulting manner taken by the United States in urging them, and that its effect was to stir up the animosity of the Mexicans and serve as a cause for the war. The annexation question next demands attention.



CHAPTER V.

The Annexation of Texas Considered as a  
Cause of the Mexican War.

Before taking up the different steps leading to annexation, and their effect upon the relations between Mexico and the United States, a brief summary of the events leading to Mexico's loss of Texas will not be out of place.

Attention has been called to the manner in which Moses Austin first obtained, January 17, 1821, permission to settle a colony of emigrants in Texas; and how in December, 1822, Stephen Austin appeared with the first colony of Anglo American settlers upon the Brazos. It has been shown that, in the meantime, Mexico had become independent, and, prompted by a desire to repress the Indians on the Northern borders, and the hope of benefitting from colonization as the United States had done, she instituted a liberal system of naturalization, January 4, 1823, under the Emperor Iturbide. On February 18th, a decree was issued authorizing Austin to proceed with his colony, which decree was confirmed by the Mexican congress after the overthrow of the empire. On February 2, 1824, the federal constitution was proclaimed, and Texas was provisionally united with Coahuila, with the promise, however, of a separate constitution as soon as she was in possession of the necessary elements of self government. A series of changes in government accompanied the series of revolutions during the years 1824-35. We have noticed the first outbreak in 1832, when Bustamonte first established the centralist form of government; the taking of the fort at Velasco, the attack of the garrison at Anahuac, the capture of Nacogdoches, and expulsion of Mexican troops. The constitution adopted in 1833 has been noticed, and the result of its presentation to the Mexican government. Austin's imprisonment followed and in 1835 Santa Anna became supreme and proceeded to force centralism upon the different



states. Texas alone held out, and war ensued, with San Jacinto as the climax. They first fought for the constitution of 1824. The general consultation of November, 1835, declared that they would continue faithful to the Mexican confederation as long as it should be governed by the constitution of 1824. On March 1, 1836, a new convention met and on March 2, 1836, independence was declared.

No sooner were the Mexicans expelled than a movement was begun to bring about recognition by and annexation to the United States.<sup>1</sup> The question of annexation was submitted with the constitution in September, 1836. The vote was practically unanimous in favor of annexation, being 3279 in favor, and 91 against.<sup>2</sup> Their request for annexation was finally rejected by the United States.

The Texans had secured from Santa Anna, when a captive, not only the acknowledgment of their independence, but a large extension of their boundaries. This treaty was promptly repudiated by the Mexican government, whereupon the Texans voted to themselves, December 19, 1836, the territory lying between the United States and the Rio Grande, from its source to its mouth. The political limits of Texas had been, previous to her revolution, the Nueces on the West, the Red River on the North, the Sabine on the East, and the Gulf of Mexico on the South.<sup>3</sup>

Morfit, sent as an agent to report on conditions in Texas in 1836, tells us that they only gave up the claim of the Rio Grande to 30° N. Lat., and thence to the Pacific, because of the inconvenience of controlling a population so distant, and the fact that this line did not strike a convenient point on the California coast.<sup>4</sup> Morfit's report as Jackson's special agent

1. See Garrison's "Westward Extension," pp. 89-90. "Texas" Chap.

2. Bancroft's "Mexico," Vol. 5, p. 324.

3. See report of Henry M. Morfit. Ex. Doc., 2nd Sess. 24th Cong. Doc. No. 35.

4. Morfit's report. See Ref. above.



was submitted to congress December 22, 1836. Though dwelling at length on the justice of the Texan cause, and the ability shown by her statesmen, he reluctantly recommended that recognition be postponed.<sup>1</sup>

Congress did not follow his advice, however, but passed a resolution recognizing the independence of Texas, March 1, 1837. Alee Labranche was sent as Charge d'affaires.

This encouraged the Texans to try a second time for annexation. Memucant Hunt, the Texan Minister, proposed to Secretary Forsyth a treaty of annexation, but this, too, was rejected by Van Buren, August 25, 1837.

This refusal on the part of the president convinced the Texans that they must concentrate their efforts upon Congress itself, and gain their point by act of that body. A law passed by both houses would require but a bare majority, while a treaty would require a two thirds vote of the senate. This was clearly pointed out by J. P. Henderson, the acting Secretary of State, to Mr. Hunt, when he was sent to join Wharton at Washington.<sup>2</sup>

As soon as congress came together there were several resolutions introduced on the subject. One, by Waddy Thompson, directed the President to take the necessary steps for annexation as soon as it could be done consistently with the treaty stipulations of our government.<sup>3</sup>

A flood of resolutions for and against annexation began to pour in from the South and the North.<sup>4</sup> The resolution of Thompson's was lost through the efforts of J. Q. Adams, who consumed the morning hour of each day from June 16th to July 7th, or within two days of adjournment, in a record speech, as far as length is concerned.

Texas withdrew the offer of annexation and proceeded to secure recogni-

1. Idem. 2. See quotation in Garrison's "Westward Extension," p. 93.

3. Cong. Globe, 25th Cong., 2nd Sess., 76 and 451.

4. See Ex. Doc. 2nd Sess. 25th Cong., Vol. 2, No. 55; Vol. 7, Nos. 182, 196; Vol. 8, No. 211; Vol. 10, No. 373. 1st Sess. 24th Cong., Vol. 7, No. 288.





tion in Europe. By 1842 she had made treaties with a number of European countries, including France and Great Britian. This caused anxiety in the United States. Meanwhile the division over the slavery question was becoming more and more marked, and the question of annexation was becoming more and more bound up with that of slavery.

Texas had withdrawn her offer under the presidency of Lamar. When, in December, 1841, Sam Houston again became president, he opened the subject anew by sending James Reily to Washington as Charge d'Affaires. He soon became discouraged,, and in 1842 Van Zandt took his place.

Just about this time there was a change in the attitude of the United States. It was largely due to two things. The first was the fact that in 1843 Mexico and Texas arranged a truce, through the efforts of the British and French Ministers, and Van Zandt declared that the subject of annexation was no longer open for discussion. The second was the news of a British "plot" in connection with Texas. This last demands a word of explanation.

Calhoun was planning to win the presidency on an annexation platform. Van Buren and Clay, his chief rivals, were sure to come out against it. Calhoun wished to get an expression from Jackson in favor of immediate annexation. To do this, the so called "Gilmer" letter, written by Mr. Gilmer of Virginia, a close friend of Calhoun's, was prepared, and skilfully drawn out from the man in Maryland who received it, who was believed to be Duff Green, another close friend of Calhoun's. It was conveyed to Jackson by Mr. A. V. Brown. It conveyed the intelligence that the abolitionists of Texas were negotiating with the British government and that that government had serious designs on the lone star state.

Jackson took the letter in good faith, and answered it promptly and in a manner perfectly satisfactory to the authors. In other words, he came out very plainly in favor of immediate annexation. His letter was kept in the



background for a time with the view of using it to force Calhoun's nomination at the convention.<sup>1</sup>

The convention itself was postponed from December to May to further the plot and secure time to get a plot imported from England. Benton says of this scheme: "It was probably one of the most elaborate pieces of political cheatery that has every been performed in a free country."<sup>2</sup> At this stage of the development of the plot occurred the awful accident on board the Princeton, which resulted in the death of Secretary Upshur, who was standing near the gun which exploded. The appointment of Calhoun as Secretary of State followed. He declared he accepted the office for the Texas negotiations alone, and would quit as soon as they were finished.

As the people clung to Van Buren as their candidate, it was deemed advisable to publish the Jackson letter in reply to that of Gilmer's, and it appeared, March 22, 1844, in the Richmond Enquirer.<sup>3</sup> In addition to this, the annexationists got their "plot" imported from London in time to use. It was given to the public as being derived from "A private letter from a citizen of Maryland then in London." It charged the British government with the attempt to abolish slavery. According to this citizen, England had agreed to guarantee interest on loan, to be repaid with Texas lands, if Texas would abolish slavery. The report went back to England and was contradicted by Lord Aberdeen, Secretary of State.<sup>4</sup> The contradiction received no reply till

1. For the story of the Gilmer letter, see Benton's "Thirty Years," Vol. II, pp. 583-91.
2. "Thirty Years," p. 586. Garrison makes light of the plot idea here also. "Westward Extension," p. 126.
3. Copy of letter in Niles Register, LXVI., 70. For correspondence on subject of Texas and Great Britian see Sen. Doos., 25th Cong., 1st Sess. No. 341, p.27-67. For Apshur's letter to Mr. Murphy in regard to the Andrews letter see Benton II, 606.
4. As to England's action in the matter, the testimony of Houston, Feb. 12, 1847, as given in Cong. Globe, 29th Cong., 2nd Sess., p. 459, forever frees her from anything like a Texan plot. Houston said: "England never made a suggestion to Texas which, if she had pursued or accepted, would have degraded her in the eyes of the purest patriot that ever lived."



after Calhoun became Secretary of State. Calhoun answered it. He did not, however, argue on the subject of the imputed design, but took as his subject a mere abstract declaration on the subject of slavery as his text. Aberdeen had said that "Great Britian desires, and is constantly exerting herself to procure the general abolition of slavery throughout the world."<sup>1</sup> Calhoun argued for slavery and for annexation in the interests of slavery and forced all supporters of annexation to the slavery side.<sup>2</sup> This was published at once and made annexation a "sectional and a slavery question," and insured the rejection of the treaty, which after considerable correspondence had been prepared and was signed by Tyler, April 12, 1844, and transmitted to the Senate, April 22nd, with a message urging its adoption. Not till it had been printed by the Senate did it appear before the public. Senatory Tappan sent a copy to a New York newspaper, for which act he was censured. The injunction of secrecy was then removed. The vote was taken June 8, 1844, and the treaty was rejected by a vote of 16 to 35.

This put the question up to the people, and they decided for annexation, for that is really what the election of Polk meant. The president transmitted to the House the treaty rejected by the Senate, two days before, June 8th, and in his message he gives that body a hint of what it might do. "While I have regarded the annexation to be accomplished by treaty as the most suitable form in which it could be effected, should congress deem it proper to resort to any other expedient compatible with the constitution and likely to accomplish the object, I stand prepared to yield my most prompt and active cooperation. The great question is not as to the manner in which it shall be done, but whether it shall be accomplished or not."<sup>3</sup>

1. Quoted by Benton, II, p. 589.

2. Garrison's "Westward Extension," p. 120.

3. Richardson, "Messages and Papers," IV. pp. 323-7.



Two plans along this line had already been proposed,--McDuffies' resolution of May 23d, and Benton's bill for annexation. Both these were rejected and congress has adjourned without any further action.

Now that the Democrats had won in the November elections, Tyler proposed the subject again in his fourth annual message. In that message he used these words: "The two governments having fully agreed through their respective organs on the terms of annexation, I would recommend their adoption by congress in the form of a joint resolution, or act, to be perfected and made binding on the two countries when adopted in like manner by the government of Texas."<sup>1</sup>

McDuffie again introduced his resolution and Benton his bill. Charles J. Ingersoll offered one in the House similar to the one offered by McDuffie. The House resolution, modified in the Senate to allow the president the option of negotiating for annexation instead of submitting the resolution to Texas, finally passed, the vote in the Senate being 27 to 25, and in the House 132 to 76.<sup>2</sup>

This is a summary of different steps taken to secure annexation. It is a bare outline of things that were done and there has been no attempt to go into the question of how it was done.<sup>3</sup>

1. Richardson's "Messages and Papers," p. 345, Vol. V.
2. Benton's "Thirty Years," II, 636.
3. It may be proper to state here the author's position on the question of the "Conspiracy." While not at all prepared to give a final decision on that point, it seems to me that on the whole the facts as given by such authors as Schouler, Von Holst, Bancroft, Jay, and Livermore are the real facts in the case, but that these authors have somewhat misinterpreted certain facts with a view to making the "Conspiracy" theory more sound. Rather, starting with this theory in mind, they have seen these facts with not entirely impartial eyes, but their vision has been somewhat marred by a preconceived theory. On the other hand, I think Mr. Bourne and Mr. Garrison and the more recent writers have generally cast aside the conclusions of these earlier writers rather hastily and have swung to another extreme position. For while I do not see sufficient evidence to lead me to say that there was a conspiracy or plot in the matter of the settlement and annexation of Texas and in the War with Mexico, it does seem clear that certain individuals, sometimes working as individuals, sometimes with a small group, brought about many things





While these negotiations for annexation were in progress, Mexico suddenly began to show a reviving interest in the subjection of Texas. Some authorities have interpreted this as mere "bluff" on the part of Mexico to prevent annexation. There is, however, another explanation of that activity, though this may have also played a part. During the years 1840-4 there had been a cessation of the struggle because of the different steps which were taken to bring about an understanding between the two countries. These steps may be summarized briefly.

November 14, 1840, the British Government agreed to offer its mediation for the settlement of the difficulties between Mexico and Texas upon the basis of the recognition of Texan independence on the part of Mexico. Mexico declined this mediation. In 1842 Texas requested the joint interposition of Great Britain, France and the United States. France and the United States acceded, but Great Britain refused to act jointly. In May, 1843, being approached by the British Charge d'Affaires, Santa Anna agreed to suspend hostilities and to receive commissioners from Texas to treat of

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which would, but for their efforts, never have happened. The development of Standard Oil is probably not to be classed as a conspiracy, but the results accomplished are very similar to those which would have been <sup>secured</sup> if a definite plan had been laid down in the beginning of its existence as a corporation.

What Mr. Garrison terms "Confidential political planning" is not very clearly differentiated from a regular conspiracy. At times this planning seems to resemble a plot more nearly than at other times. The objection Mr. Garrison makes to the term conspiracy is that it implies an evil purpose. The reply might be made that very few of the famous so-called conspiracies of the world's history were considered as evil in purpose by those who engaged in them. What is needed is a perfectly impartial examination of the facts, and where such "confidential planning" appears point it out, if not under the name of "plot" or "conspiracy," then under some name which carries the same notion, even though not having such an objectionable sound. As an example, take the case of Upshur. His sympathies for Texas undoubtedly had a close connection "with the price of Virginia Negroes," and his work all through is fit to characterize as plotting. He no sooner becomes Secretary of State than he shows a desire to pick a quarrel with Mexico. His correspondence with Murphy is sufficient to convince any fair-minded person that he is a plotter in every sense of the word. See Exec. Doc., 1st Sess. 28th Cong., No. 271.



a peace. On June 15th, the Texan president proclaimed an armistice. Texan commissioners were after some delay appointed and proceeded to Mexico. They were instructed that arrangements made by them would not be binding till approved by the president. The agreement entered into was rejected by the president of Texas. Referring to Texas as a department of Mexico was, he thought, a sufficient reason for its prompt rejection. Consequently, negotiations being broken off, the Mexican government, partly out of resentment, partly to prevent annexation, and largely to make some showing for all the money they had extorted from the people for the war with Texas, began to amass an army in the North.<sup>1</sup>

As soon as the United States government learned of the warlike preparations of Mexico, it was resolved by those in authority, either to induce Mexico to give up her design to renew hostilities, or else to "goad her into a war against ourselves."<sup>2</sup> It was plain that annexation could not be carried through in the event of the renewal of active operations against Texas, as that would make the United States a party to that war.

Mr. Shannon undertook to induce Mexico to dispense with further military operations. He took a very strange method. On October 14, 1844, in obedience to instructions, he presented a remonstrance, couched in most offensive language, to the Mexican government. In it he says: "It (annexation) has been a measure of policy, long cherished and deemed indispensable, to their (U.S.) safety and welfare, and has, accordingly, been an object steadily pursued by all parties, and the acquisition of the territory made the subject of negotiation by almost every administration for the last twenty years.....The hazard of a conflict of policy upon important points between the United States and one of the leading European powers, since the recognition of

1. For a summary of these events, see Niles Vol. 66, pp. 251-2.

2. Jay, p. 96. See also Ramsays Trans. of "The Other Side," p. 24.



Texas, has rendered the acquisition still more essential to their safety and welfare; and accordingly, has increased in proportion the necessity of acquiring it,"<sup>1</sup> In "The Other Side" we read the following commentary on this letter. "The explicit avowal of Minister Shannon, not denied nor contradicted by the authorities of his country---this avowal, we say, is of the greatest importance, coming from the very mouths of the usurpers who style themselves the most honest before all civilized nations."<sup>2</sup>

The Mexican Secretary, Rejon, replied with dignity to this letter, to the effect that he "has orders to repel the protest now addressed to his government, and to declare that the president of the United States is much mistaken if he supposes Mexico capable of yielding to the menace which he, exceeding the powers given him by the fundamental law of his nation, has directed against it."

Mr. Shannon demanded a retraction of the Secretary's letter, and threatened to suspend further intercourse. The Mexican Minister was not surprised that he should object to discussing the conduct of his government. He says further, "Is the government of the United States superior in dignity, or has its legislature any right to be thus wanting in respect to a government to which it has refused the attentions due by courtesy to mere individuals?" He refused to withdraw the letter.<sup>3</sup>

1. Ex. Doc. 28th Cong., 2nd Sess., Vol. 2, p. 47.

2. It is a matter of surprise that in a work of such high authority as Garrison's "Westward Extension" no mention is made of this letter. Yet he refers to the "offensive" nature of the letters of Almonte and Bocanegra on the Mexican side. There is surely some excuse for strong language on the part of the Mexicans. It will be noticed that Shannon claims that the United States was forced into annexation by the action of England. Yet we have Houston's word that England "Never proposed the subject of slavery or of abolition to Texas." Calhoun had used similar language. "And this step," he says, "had been taken as the most effectual, if not the only means of guarding against the threatened danger." --Letter to Eng. Minister of April 8, 1844. Whatever name we give such actions, the facts remain, and no name can be too harsh for such facts.

3. See correspondence in Ex. Doc. 28th Cong., 2nd Sess., No. 2.



From the first Mexico had held that the annexation of Texas would be considered as a cause for war. In August, 1843, Santa Anna, hearing of the renewal of the movement for annexation, gave notice of Mexico's position through the Secretary of State, Bocanegra. "The Mexican government will consider equivalent to a declaration of war against the Mexican Republic the passage of an act for the incorporation of Texas with the territory of the United States." Thompson's reply gave no information on the subject.<sup>1</sup>

In November, 1843, Almonte, the Mexican Minister at Washington, pronounced himself no less clearly. He says if "The United States should commit the unheard of act of violence of appropriating to themselves an integral part of the Mexican territory, the undersigned, in the name of his nation, and now for them, protests, in the most solemn manner, against such an aggression; and he moreover declares, by express order of his government, that, on sanction being given by the Executive of the Union to the incorporation of Texas into the United States, he will consider his mission ended, seeing that.....the Mexican government is resolved to declare war so soon as it receives information of such an act."<sup>2</sup>

The joint resolution on the offer of Annexation was approved March 1, 1845, and Almonte demanded his passports March 6th. On March 28th, the United States Minister in Mexico was informed that diplomatic relations between the two countries were at an end.<sup>3</sup>

It is interesting to notice the position taken by Tyler and Polk on the question of annexation and to contrast it with that taken by the Mexican Government. Almonte says in the letter referred to above that annexation is "An act of aggression the most unjust which can be recalled in the annals of modern history." Yet Almonte was very conservative in his utterances and

1. Senate Docs., 28th Cong., 1st Sess., Vol. I, No. 1.

2. Senate Docs., 28th Cong., 1st Sess., Vol. I, No. 1.

3. Miles Register LXVIII., page 84.





had won high praise for his dignified, high bred deportment.<sup>1</sup>

The Mexican foreign minister, Luis G. Cuevas, in his circular to the Ministers of France, England and Spain, of April, 1845, says: "In aiding Texas to sever herself from the republic, the United States were wanting in good faith; but in aiding to incorporate Texas with the American confederation, and declaring that this has been her policy for twenty years, she has pursued a course which has no parallel in the history of civilized nations."<sup>2</sup> Cuevas was also an extremely conservative statesman. He saw the futility of war plainly. He saw that Texas must be recognized sooner or later. He advised immediate recognition as a means of preventing annexation.<sup>3</sup>

The Mexican newspapers voice the more radical sentiment. Even the most conservative viewed annexation as a practical declaration of war.<sup>4</sup> Tyler, on the other hand, says: "Mexico had no just ground of displeasure against this government. She was despoiled of nothing, since Texas was forever lost to her. The independence of Texas was recognized by several of the leading powers of the earth. She was free to treat,--free to adopt her own policy."<sup>5</sup>

Polk says: "Texas was once a part of our country---was unwisely ceded away to a foreign power--is now independent, and possesses an undoubted right to dispose of a part or the whole of her territory and to merge her sovereignty as a separate and independent state in ours....I regard the question of annexation as belonging exclusively to the United States and

1. "It is a source of general regret here, the departure of Gen. Almonte and family. Their amiability of character, their affable manners, and a charming simplicity of deportment, so characteristic of high-bred people, have endeared them to a very large circle of friends and acquaintances." --Niles Register, Vol. LXVIII., p. 84. Garrison, however, speaks of Almonte's "offensive" letters and is rather misleading as to the Mexican diplomat's behavior.

2. See Niles Register, Vol. LXVIII., p. 135.

3. See extract of his memorial to the Chamber of Deputies in Niles Register, Vol. LXVIII., p. 135.

4. Idem, p. 135.

5. Richardson's "Messages and Papers," Vol. IV., p. 342.



Texas. They are independent powers, and foreign nations have no right to interfere with them or to take exceptions to their union."<sup>1</sup> Later in his message of December, 1845, he says: "Even Mexico herself,---by a formal act, --agreed to recognize the independence of Texas on condition that she would not annex herself to any other power. The independence of Mexico is a fact conceded by Mexico herself."<sup>2</sup>

Mr. Shannon, in replying to the note of Cuevas breaking off relations, says: "The undersigned will pass over in silence the charge made against his government of having violated the treaty of friendship with Mexico. The right of Texas to cede the whole or a part of her territory,--and the right of the United States to accept such a cession have already been amply vindicated repeatedly." In the same letter he says: "The United States has not adopted the measure of annexation in any spirit of hostility towards Mexico, and the United States are anxious to settle all questions which may grow out of this measure, including that of boundaries, in terms the most just and liberal."<sup>3</sup>

The speeches in congress show plainly the fact that the question of annexation was bound up with the question of slavery, although some of the strongest arguments in favor of annexation were given by Northern men.<sup>4</sup> The dissolution of the Union as a consequence of annexation was seriously considered by the North and South as seriously considered dissolution to get Texas.<sup>5</sup>

It was equally clear that the South wanted Texas with slavery. The proposal to divide it into two states, one free and the other slave, would not

1. Idem, p. 380.

2. Richardson's "Messages and Papers," Vol. 4, p. 389.

3. Niles Register, LXVIII, p. 134.

4. For example, Dickinson of New York. See Niles, LXVIII, pp. 90-5.

5. For an argument on dissolution from the North worthy of careful reading, see the letter on the subject by Judge William Jay, son of the chief justice, in Niles LXVIII, pp. 89-90. Dickinson's speech gives a sample or two of the Southern sentiments on the subject, in case of the failure of annexation.



satisfy them either. Mr. Upshur wrote to Mr. Murphy, our Charge d'Affaires in Texas, January 16, 1844, "If Texas should not be attached to the United States she cannot maintain that institution (slavery) ten years, and probably not half that time." On September 24, 1844, he wrote, "If the United States preserves and secures to Texas the possession of her constitution and present form of government, then we have gained all we can desire, and also all that Texas asks or wishes."<sup>1</sup>

Calhoun wrote to the British Minister April 27, 1844, that annexation was "necessary in order to preserve domestic institutions under the guarantee of their (U. S. and Texas) respective institutions and deemed essential to their safety and prosperity."

McDuffie, in the Senate, May 23, 1844, said, "If we shall annex Texas it will operate as a safety valve to let off the superabundant slave population from among us, and will at the same time improve their condition."<sup>2</sup>

Mr. Foster, Senator from Tennessee, said, "The measure is essentially Southern in its character and purposes, and intended, if its policy is hereafter faithfully executed, to protect the South and the South-west,....in the more peaceful and secure enjoyment of certain property, guaranteed to the inhabitants of that section of the Union, by the solemn sanctions of the Federal Constitution."<sup>3</sup>

Mr. Preston, of South Carolina, said, October 31, 1844, "Annexation was desired for the purpose of sustaining and extending the institution of slavery."<sup>4</sup>

Mr. Merriek, of Maryland, said in the Senate, "The domestic tranquility of the country is endangered, and if you reject Texas now for reasons

1. 28th Cong., 1st Sess., Sen. Docs., No. 341.

2. Quoted by Jay, p. 21.

3. Idem, p. 22.

4. Idem, p. 22.



such as these, think you the South will sit down tranquilly under it?"<sup>1</sup>

Mr. Dargan, of Alabama, said, "What would be thought of the volunteers of the South, when it was announced to them that slavery was to be excluded from the territory their arms had acquired? Say to the South that they are only fighting to make free territory; that it is only for this that the brave men of Carolina, Georgia, and Alabama are periling their lives, and they will demand the settlement of this question now, preliminary to any further prosecution of the war."<sup>2</sup>

In the peace negotiations the Mexicans wished us to stipulate not to carry slavery into the territory to be ceded. The thirteenth article reads, "The United States shall compromise themselves not to permit slavery in the territory which they may acquire by this treaty."<sup>3</sup>

Mr. Twist, in his letter to Buchanan of September 4th, says that he could not accept the new territory on condition that slavery was excluded, "Not if its value were increased tenfold and in addition to that, covered a foot thick with gold."<sup>4</sup> That settled the question, as it ought to.

There is no need of carrying these quotations any further. It must be plain that the South would never have undertaken the Mexican War if they had understood that the territory to be gained would be free territory. This war was not caused mainly by the land-lust of the Anglo-Saxon, but annexation, the immediate cause of the war, was itself caused by the desire of the South for more slave territory, in order to remain equal in political power to the North and thus guarantee the perpetuity of their "peculiar institution." Volumes of testimony equally strong as that produced could be given to show

1. Idem, p. 25.

2. Quoted by Jay, p. 28, from Moody's Facts, pp. 126-7.

3. Preliminaries of the Mex. Commissioners, Aug. 4, 1847.

4. Sen. Ex. Docs., 30th Cong., 1st Sess., No. 52, pp. 199 and 315.





this but the length of this article does not allow the introduction of any more here.<sup>1</sup>

The speeches of those congressmen who opposed annexation were just as radical and extreme in their views on the subject as were the Mexicans, and this fact of division of sentiment had almost as much to do in causing the war as did the act of annexing Texas itself. For the Mexicans counted on this division of sentiment in the United States as an evidence that the war would be prosecuted with little energy.<sup>2</sup> Needless to say they were mistaken in this view.

What has been given above indicates that annexation was the immediate cause of the war. Mexico, although she knew that Texas was gone and gone forever, could not bring herself to give her up to that power which we have shown was chiefly responsible for her separation. Her statesmen clearly realized the hopelessness of the struggle, yet felt that her honor demanded that she fight.

A good deal has been written on the mode of annexation, the motives back of the act, and the question of the justice of annexation in any form. The speeches in Congress deal fully with the constitutionality of annexation by joint resolution. One thing is clear. Whether constitutional or not, the method was chosen because annexation by treaty would require a two thirds vote of the Senate, which could never have been obtained. In fact, the resolution secured a bare majority of two in the senate only after tacking on it an amendment leaving it to the option of the president to use the treaty method if he chose to..

The fact that he did not choose to use this method shows clearly, not

1. See speeches on annexation in Niles, LXVIII. Note especially speech by Barrow, giving reasons. p. 45.

2. Niles, LXVIII., p. 136.



only that he could not secure such a two thirds vote, but also his extreme anxiety to complete the act in any form.

The constitutionality of the method need not be discussed here as this did not affect Mexico. But the question of the justice or injustice of the act concerns us very vitally.

We have admitted that Texas was an independent nation. Her independence was acknowledged by the leading nations of Europe. As such she was free to form a union with the United States. But Texas was undoubtedly at war with Mexico. Tyler acknowledges this fact. After his treaty was rejected he officially remonstrated with Mexico on the "proposed manner of conducting that war."<sup>1</sup> It is true Tyler is always careful to refer to it as "the war thus threatened to be renewed," but as a matter of fact annexation was hurried through on account of this renewal instead of the war being renewed on account of annexation. It is true a truce had been declared, but a truce is not a peace, and this truce was no longer in force at the time of annexation. The war itself did not need to be renewed.

When one considers the methods of warfare used by Mexico it is not to be wondered at that Tyler remonstrates against the renewal of that war. It is true, as Tyler said, that Mexico possessed no exclusive control over the manner of conducting war. "She has no right to violate the principles which an enlightened civilization has laid down for the conduct of nations at war."<sup>2</sup> It is true also that the "bloody and inhuman murder of Fannin and his companions proved how little confidence could be placed on the most solemn stipulations of her generals, while the fate of others who became her captives in war,--many of whom were shot down by the wayside,---while their companions who survived were subjected to sufferings even more painful than

1. See Richardson, Vol. IV., p. 354.

2. Richardson, Vol. IV., p. 354.



death,---had left an indelible stain on the page of civilization."<sup>1</sup>

These facts, however, do not constitute an excuse for the United States to put another indelible stain on civilization by violating most palpably the neutral laws of nations.

Mexico was at war with Texas at the time of annexation. True, there had been a lull, but no treaty of peace. When the negotiations between the two were broken off, it was natural that Mexico should renew hostilities. And it certainly was no time for the United States to step in and annex Texas, for "A neutral nation, forming an alliance offensive and defensive with another at the time engaged in war, by that very act becomes herself a belligerent. But annexation was an alliance in the strongest sense, both offensive and defensive,"<sup>2</sup> therefore the United States was guilty of forcing herself into the war and thus making it impossible for Mexico to come to terms with Texas. The charge of injustice of violation of neutrality laws seems very clearly proven.

To illustrate, suppose at the time of our civil war there had been a cessation of hostilities for the purpose of seeking by negotiations to bring the war to a close; that England had annexed a part of the territory of the Southern States, with the consent, of course, and at the request of its inhabitants. Would this not be considered by the United States an act of war? By the laws of nations annexation was an act of war against Mexico, and was so considered by her Minister.

Yet, after all her grievances,---and they were very real;---after all her threats of war, and even some preparations, Mexico did not strike. War might even still have been avoided for Mexico was in no condition for war, and the speeches of her statesmen show that she realized the fact. It is

1. Richardson, Vol. IV., p. 354.

2. Jay's "Review of the Mexican War," p. 105.



true that the masses were roused in Mexico, but hardly to the point of invading Texas. Their restlessness rather showed itself in frequent revolutions which made it impossible to adopt any definite policy.

It needs but a glance at Mexican history during this period to realize her helplessness. Santa Anna was exiled in 1844. Herrera's government lasted till December 30, 1845. Paredes began his administration January 4, 1846, and was compelled by a revolution to take the field in May, leaving Bravo as president ad interim. But the revolution of August, 1846, deposed Bravo and put the reins of government in the hands of General Mariano Salas. Salas undertook to re-establish the constitution of 1824, organized the national army and convened congress for the purpose of obtaining a new election. He also caused the return of Santa Anna and procured the arrest and imprisonment of Paredes.

In December, 1846, Santa Anna becomes president again. He goes to the front and leaves Farias as acting president till March 21, 1847, when Farias laid down his office. Santa Anna resumed it for a few days, leaving again to take charge of the campaign against Scott, and congress appointed Pedro M. Anaya as acting president. He remains in office until June, 1847, Santa Anna takes it up till September, when Pena Y. Pena succeeds him as president by virtue of being president of the Supreme Court when Santa Anna resigned. He is president from September to November, 12, 1847, and gives up his office. Congress appoints Anayo acting president again, and he holds out till January 7, 1848, when Pena Y. Pena takes the reins again. An election then put Herrera into the president's chair June 3, 1848, and he remains president through the negotiations for peace.<sup>1</sup>

When one considers this array of rulers for four years, he realizes

1. Summarized from Noll's "Short History of Mexico."





better why Mexico did not declare war. She was in no condition for war.

As a matter of fact, the war was finally forced on Mexico by the government of the United States. The limits of this paper will not allow a study of subsequent events in detail. Only a bare recital of facts in the case will be attempted.

On the 13th of October, 1845, the American Consul addressed a letter to the Mexican Secretary inquiring whether Mexico "would receive an envoy from the United States entrusted with full powers to adjust all questions in dispute between the two governments." Mexico agreed "to receive a commissioner to settle the present dispute." The American government interpreted this reply as a full and explicit answer on the question proposed by the Consul.

Mr. Slidell, of Louisiana, was sent as Minister to Mexico, and landed at Vera Cruz in December, 1845.<sup>1</sup> The government, fearing the appearance of the American Minister might create a disturbance, asked that his entrance be delayed a little, for as the Secretary said, "The opposition are calling us traitors for entering into this arrangement with you."<sup>2</sup> But Slidell proceeded at once to the Capital and asked for an audience as Envoy Extraordinary and Minister Plenipotentiary of the United States. There was a delay of a few days while his letter was being considered by the council of government. The point at issue was as to whether he should be admitted as a minister or as a special negotiator on the subject of Texas. Slidell wrote that the government seemed desirous to enter on friendly negotiations. The day after this letter was received at Washington, General Taylor was ordered to march to the Rio Grande. The excuse for this order was that the Mexican government had refused to treat with Mr. Slidell. Yet it is plain that there had

1. For summary of steps taken by Slidell, see Polk's message of May 11, 1846, Ex. Docs., 1st Sess., 30th Cong., Vol. 7, No. 60.

2. Sen. Ex. Docs., 29th Cong., 1st Sess. No. 337.



been no refusal at this time.

On the 20th of January he was informed that he would be received as a commissioner to treat of questions relating to Texas, but till this question was settled could not be received as a minister.

The Paredes party assumed control at this juncture, and again Mr. Slidell demanded recognition and was refused.<sup>1</sup>

Yet Polk was afraid to go before congress and ask for a declaration of war. He was also afraid to let congress see the instructions to Slidell. Instead of these methods, he decided to provoke a war, and hence Taylor was ordered into Mexican Territory, on the claim that the western boundary of Texas was the Rio Grande. The claim for this boundary rests solely on the treaty with Santa Anna, made when he was a prisoner and in danger of his life, and the vote of the Texan assembly December 16, 1836. Anyone who has any doubts on this matter is referred to Jay, where an abundance of authorities are given for the Nueces boundary from the time of the treaty of 1819 to 1846.<sup>2</sup> That the matter of boundary was not considered as finally settled is shown by all the official correspondence of the time, on the American side. There never had been any question, however, as to the boundary of the State of Texas. The maps of the time always gave the Nueces as the boundary.

Yet now Taylor is ordered to the Rio Grande, which "In the event of annexation will be our western frontier." This, in spite of the fact that the joint resolution made no claim of a definite boundary, but left that matter to be adjusted with Mexico.<sup>3</sup> And Mr. Polk then proceeds to lay the blame for the opening of hostilities upon the Mexicans. He says: "The

1. See Slidell correspondence in Sen. Docs. 29th Cong. 1st Sess. No. 337.

2. Jay's "Review," Chapter XIX.

3. "Congress doth consent that the territory properly included within and rightfully belonging to the Republic of Texas may be erected into a state to be called the State of Texas," and further, said state to be formed sub-



Mexican government not only refused to receive him (Slidell), but after a long continued series of menaces, have at last invaded our territory and shed the blood of our fellow citizens on our own soil."<sup>1</sup>

It is not necessary here to decide who actually fired the first shot, though it seems that this too is to be charged against the American government. It is enough to know what has already been shown to see that Mexico was finally forced into the war---a war which she foresaw could only end in disaster for her arms and loss of her territory.<sup>2</sup>

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ject to the adjustment by this government of all questions of boundaries that may arise with other governments. See Cong. Globe, 28th Cong. 2nd Sess., pp. 362-3.

1. Ex. Docs. 30th Cong. 1st Sess., Vol. 7, No. 60.
2. The limits of this paper do not permit an examination into the premature seizure of California by Commodore Jones, or a study of the movements of Fremont and the "Bear State Republic," or a number of other questions which are no less profitable than interesting in this connection.



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22	1	Ex. Docs.	5
23	2	" "	2
24	1	" "	6
24	2	" "	1 and 3
24	1	" "	1 and 6
25	1	" "	1
25	2	" "	1, 3, 4, 7, 8, 10, 12.
25	3	" "	2, 3, 4, 5, 6.
27	2	" "	5
28	1	Sen. Docs.	5
28	1	House Doc.	6
28	2	Sen Docs.	3
29	1	House Docs.	1
29	1	" "	4
29	2	Sen. Docs.	1
30	1	House Docs.	1
30	1	Sen. Docs.	5
30	1	House Docs.	7
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