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PEACE WITH
MEXICO

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Peace with Mexico

I. – THE LAW OF NATIONS

It seems certain that Mexico must ultimately submit to such terms of peace as the United States shall dictate. An heterogeneous population of seven millions, with very limited resources and no credit; distracted by internal dissensions, and by the ambition of its chiefs, a prey by turns to anarchy and to military usurpers; occupying among the nations of the civilized world, either physically or mentally, whether in political education, social state, or any other respect, but an inferior position; cannot contend successfully with an energetic, intelligent, enlightened and united nation of twenty millions, possessed of unlimited resources and credit, and enjoying all the benefits of a regular, strong, and free government. All this was anticipated; but the extraordinary successes of the Americans have exceeded the most sanguine expectations. All the advanced posts of the enemy, New Mexico, California, the line of the lower Rio Norte, and all the sea ports, which it was deemed necessary to occupy, have been subdued. And a small force, apparently incompetent to the object, has penetrated near three hundred miles into the interior, and is now in quiet possession of the far-famed metropolis of the Mexican dominions. The superior skill and talents of our distinguished generals, and the unparalleled bravery of our troops, have surmounted all obstacles. By whomsoever commanded on either side; however strong the positions and fortifications of the Mexicans, and with a tremendous numerical superiority, there has not been a single engagement, in which they have not been completely defeated. The most remarkable and unexpected feature of that warfare is, that volunteers, wholly undisciplined in every sense of the word, have vied in devotedness and bravery with the regular forces, and have proved themselves, in every instance, superior in the open field to the best regular forces of Mexico. These forces are now annihilated or dispersed; and the Mexicans are reduced to a petty warfare of guerillas which, however annoying, cannot be productive of any important results.

It is true, that these splendid successes have been purchased at a price far exceeding their value. It is true that, neither the glory of these military deeds, nor the ultimate utility of our conquests can compensate the lamentable loss of the many thousand valuable lives sacrificed in the field, of the still greater number who have met with an obscure death, or been disabled by disease and fatigue. It is true that their relatives, their parents, their wives and children find no consolation, for the misery inflicted upon them, in the still greater losses experienced by the Mexicans. But if, disregarding private calamities and all the evils of a general nature, the necessary consequences of this war, we revert solely to the relative position of the two countries, the impotence of the Mexicans and their total inability to continue the war, with any appearance of success, are still manifest.

The question then occurs: What are the terms which the United States have a right to impose on Mexico? All agree that it must be an "honorable peace;" but the true meaning of this word must in the first place be ascertained.

The notion, that anything can be truly honorable which is contrary to justice, will, as an abstract proposition, be repudiated by every citizen of the United States. Will any one dare to assert, that a peace can be honorable, which does not conform with justice?

There is no difficulty in discovering the principles by which the relations between civilized and Christian nations should be regulated, and the reciprocal duties which they owe to each other. These principles, these duties have long since been proclaimed; and the true law of nations is nothing else than the conformity to the sublime precepts of the Gospel morality, precepts equally applicable to the relations between man and man, and to the intercourse between nation and nation. "Thou shalt love thy neighbor as thyself." "Love your enemies." "As you would that men should do to you, do ye also

to them likewise." The sanctity of these commands is acknowledged, without a single exception, by every denomination of Christians, or of men professing to be such. The sceptical philosopher admits and admires the precept. To this holy rule we should inflexibly adhere when dictating the terms of peace. The United States, though they have the power, have no right to impose terms inconsistent with justice. It would be a shameful dereliction of principle, on the part of those who were averse to the annexation of Texas, to countenance any attempt to claim an acquisition of territory, or other advantage, on account of the success of our arms.

But in judging the acts of our Government, it must be admitted that statesmen think a conformity to these usages which constitute the law of nations, not as it should be, but as it is practically, sufficient to justify their conduct. And by that inferior standard, those acts and our duties in relation to Mexico will be tested.

II. – INDEMNITIES TO CITIZENS OF THE UNITED STATES

The United States had, and continue to have, an indubitable right to demand a full indemnity, for any wrongs inflicted on our citizens by the Government of Mexico, in violation of treaties or of the acknowledged law of nations. The negotiations for satisfying those just demands, had been interrupted by the annexation of Texas. When an attempt was subsequently made to renew them, it was therefore just and proper, that both subjects should be discussed at the same time: and it is now absolutely necessary, that those just claims should be fully provided for, in any treaty of peace that may be concluded, and that the payment should be secured against any possible contingency. I take it for granted that no claims have been, or shall be sustained by our Government, but such as are founded on treaties or the acknowledged law of nations.

Whenever a nation becomes involved in war, the manifestoes, and every other public act issued for the purpose of justifying its conduct, always embrace every ground of complaint which can possibly be alleged. But admitting, that the refusal to satisfy the claims for indemnity of our citizens might have been a just cause of war, it is most certain, that those claims were not the cause of that in which we are now involved.

It may be proper, in the first place, to observe, that the refusal of doing justice, in cases of this kind, or the long delays in providing for them, have not generally produced actual war. Almost always long protracted negotiations have been alone resorted to. This has been strikingly the case with the United States. 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 subsequent 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 those cases, peace was preserved by patience and forbearance.

With respect to the Mexican indemnities, the subject had been laid more than once before Congress, not without suggestions that strong measures should be resorted to. But Congress, in whom alone is vested the power of declaring war, uniformly declined doing it.

A convention was entered into on the 11th of April, 1839, between the United States and Mexico, by virtue of which a joint commission was appointed for the examination and settlement of those claims. The powers of the Commissioners terminated, according to the convention, in February, 1842. The total amount of the American claims, presented to the commission, amounted to 6,291,605 dollars. Of these, 2,026,140 dollars were allowed by the commission; a further sum of 928,628 dollars was allowed by the commissioners of the United States, rejected by the Mexican commissioners, and left undecided by the umpire, and claims amounting to 3,336,837 dollars had not been examined.

A new convention, dated January 30, 1843, granted to the Mexicans a further delay for the payment of the claims which had been admitted, by virtue of which the interest due to the claimants was made payable on the 30th April, 1843, and the principal of the awards, and the interest accruing thereon, was stipulated to be paid in five years, in twenty equal instalments every three months. The claimants received the interest due on the 30th April, 1843, and the three first instalments. The agent of the United States having, under peculiar circumstances, given a receipt for the instalments due in April and July, 1844, before they had been actually paid by Mexico, the payment has been assumed by the United States and discharged to the claimants.

A third convention was concluded at Mexico on the 20th November, 1843, by the Plenipotentiaries of the two Governments, by which provision was made for ascertaining and paying

the claims, on which no final decision had been made. In January, 1844, this convention was ratified by the Senate of the United States, with two amendments, which were referred to the Government of Mexico, but respecting which no answer has ever been made. On the 12th of April, 1844, a treaty was concluded by the President with Texas, for the annexation of that republic to the United States. This treaty, though not ratified by the Senate, placed the two countries in a new position, and arrested for a while all negotiations. It was only on the 1st of March, 1845, that Congress passed a joint resolution for the annexation.

It appears most clearly, that the United States are justly entitled to a full indemnity for the injuries done to their citizens; that, before the annexation of Texas, there was every prospect of securing that indemnity; and that those injuries, even if they had been a just cause for war, were in no shape whatever the cause of that in which we are now involved.

Are the United States justly entitled to indemnity for any other cause? This question cannot be otherwise solved, than by an inquiry into the facts, and ascertaining by whom, and how, the war was provoked.

III. – ANNEXATION OF TEXAS

At the time when the annexation of Texas took place, Texas had been recognized as an independent power, both by the United States and by several of the principal European powers; but its independence had not been recognized by Mexico, and the two contending parties continued to be at war. Under those circumstances, there is not the slightest doubt that the annexation of Texas was tantamount to a declaration of war against Mexico. Nothing can be more clear and undeniable than that, whenever two nations are at war, if a third Power shall enter into a treaty of alliance, offensive and defensive, with either of the belligerents, and if such treaty is not contingent, and is to take effect immediately and pending the war, such treaty is a declaration of war against the other party. The causes of the war between the two belligerents do not alter the fact. Supposing that the third party, the interfering Power, should have concluded the treaty of alliance with that belligerent who was clearly engaged in a most just war, the treaty would not be the less a declaration of war against the other belligerent.

If Great Britain and France were at war, and the United States were to enter into such a treaty with either, can there be the slightest doubt that this would be actual war against the other party? that it would be considered as such, and that it must have been intended for that purpose? If at this moment, either France or England were to make such a treaty with Mexico, thereby binding themselves to defend and protect it with all their forces against any other Power whatever, would not the United States instantaneously view such a treaty as a declaration of war, and act accordingly?

But the annexation of Texas, by the United States, was even more than a treaty of offensive and defensive alliance. It embraced all the conditions and all the duties growing out of the alliance; and it imposed them forever. From the moment when Texas had been annexed, the United States became bound to protect and defend her, so far as her legitimate boundaries extended, against any invasion, or attack, on the part of Mexico: and they have uniformly acted accordingly.

There is no impartial publicist that will not acknowledge the indubitable truth of these positions: it appears to me impossible, that they should be seriously denied by a single person.

It appears that Mexico was at that time disposed to acknowledge the independence of Texas, but on the express condition, that it should not be annexed to the United States; and it has been suggested, that this was done under the influence of some European Powers. Whether this last assertion be true or not, is not known to me. But the condition was remarkable and offensive.

Under an apprehension that Texas might be tempted to accept the terms proposed, the Government of the United States may have deemed it expedient to defeat the plan, by offering that annexation, which had been formerly declined, when the Government of Texas was anxious for it.

It may be admitted that, whether independent or annexed to the United States, Texas must be a slave-holding state, so long as slavery shall continue to exist in North America. Its whole population, with hardly any exception, consisted of citizens of the United States. Both for that reason, and on account of its geographical position, it was much more natural, that Texas should be a member of the United States, than of the Mexican Confederation. Viewed purely as a question of expediency, the annexation might be considered as beneficial to both parties. But expediency is not justice. Mexico and Texas had a perfect right to adjust their differences and make peace, on any terms they might deem proper. The anxiety to prevent this result indicated a previous disposition ultimately to occupy Texas: and when the annexation was accomplished; when it was seen, that the United States had appropriated to themselves all the advantages resulting from the American settlements in Texas, and from their subsequent insurrection; the purity of the motives of our Government became open to suspicion.

Setting aside the justice of the proceeding, it is true that it had been anticipated, by those who took an active part in the annexation, that the weakness of Mexico would compel it to yield, or at least

induce her not to resort to actual war. This was verified by the fact: and had Government remained in the hands with whom the plan originated, war might probably have been avoided. But when no longer in power, they could neither regulate the impulse they had given, nor control the reckless spirits they had evoked.

Mexico, sensible of her weakness, declined war, and only resorted to a suspension of diplomatic intercourse; but a profound sense of the injury inflicted by the United States has ever since rankled in their minds. It will be found, through all their diplomatic correspondence, through all their manifestoes, that the Mexicans, even to this day, perpetually recur to this never-forgotten offensive measure. And, on the other hand, the subsequent administration of our Government seems to have altogether forgotten this primary act of injustice, and, in their negotiations, to have acted as if this was only an accomplished fact, and had been a matter of course.

IV. – NEGOTIATIONS AND WAR

In September, 1845, the President of the United States directed their consul at Mexico to ascertain from the Mexican Government, whether it would receive an *Envoy* from the United States, intrusted with full power to adjust all the questions in dispute between the two Governments.

The answer of Mr. De la Pena y Pena, Minister of the Foreign Relations of Mexico, was, "That although the Mexican nation was deeply injured by the United States, through the acts committed by them in the department of Texas, which belongs to his nation, his Government was disposed to receive the *Commissioner* of the United States who might come to the capital, with full powers from his Government to settle the present dispute in a peaceful, reasonable and honorable manner;" thus giving a new proof that, even in the midst of its injuries and of its firm decision to exact adequate reparation for them, the Government of Mexico does not reply with contumely to the measures of reason and peace to which it was invited by its adversary.

The Mexican Minister at the same time intimated, that the previous recall of the whole Naval force of the United States, then lying in sight of the port of Vera Cruz, was indispensable; and this was accordingly done by our Government.

But it is essential to observe that, whilst Mr. Black had, according to his instructions, inquired, whether the Mexican Government would receive an *Envoy* from the United States, with full power to adjust all the questions in dispute between the two Governments, the Mexican Minister had answered, that his Government was disposed to receive the *Commissioner* of the United States, who might come with full powers to settle the present dispute in a peaceful, reasonable and honorable manner.

Mr. Slidell was, in November following, appointed Envoy Extraordinary and Minister Plenipotentiary of the United States of America near the Government of the Mexican Republic; and he arrived in Mexico on the sixth of December.

Mr. Herrera, the President of Mexico, was undoubtedly disposed to settle the disputes between the two countries. But taking advantage of the irritation of the mass of the people, his political opponents were attempting to overset him for having made, as they said, unworthy concessions. The arrival of Mr. Slidell disturbed him extremely; and Mr. Pena y Pena declared to Mr. Black, that his appearance in the capital at this time might prove destructive to the Government, and thus defeat the whole affair. Under these circumstances General Herrera complained, without any foundation, that Mr. Slidell had come sooner than had been understood; he resorted to several frivolous objections against the tenor of his powers; and he intimated that the difficulties respecting Texas must be adjusted before any other subject of discussion should be taken into consideration.

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