

John Slidell's
Mission to Mexico

by

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CHAPTER I.

THE VALIDITY OF THE CLAIMS OF UNITED STATES CITIZENS AGAINST MEXICO.

The claims of citizens of the United States against Mexico did not all spring into existence at the same time. Instead, they date back as early as 1816, before Mexico became an independent nation. Steadily increasing during the early years of Mexican independence, by 1828 they became a sufficient number and importance to elicit the remonstrance of President Jackson. On January 5, 1835, in answer to a resolution of the House of Representatives, the president transmitted a report from the Secretary of State on the subject, stating that owing to the disturbed condition of Mexico, the various representations of the American Minister to the Mexican Government concerning the claims had not been successful.

Powhatan Ellis, the United States envoy to Mexico, being unable to adjust in a satisfactory manner the claims of citizens of the United States against Mexico, diplomatic relations between the two Republics were broken off in December, 1836. The number of claims presented by Mr. Ellis was eighteen. All of which the Mexican Government agreed to settle as soon as the documents relating to them

could be procured in the different parts of the country and collected at the State Department in Mexico City.

Within the time given by Mr. Ellis, Mexico replied that under the existing treaty between the two republics, the citizens of either country could bring their grievances before the courts of the other and secure satisfaction. For this reason there was no need of governmental interference to procure that justice which the courts were ready to afford. The position held by Mexico was sustained by the 14th article of the treaty of April 5th, 1831 which provided that ⁽¹⁾ "Both the contracting parties promise to engage to give their special protection to the persons and property of the citizens of each other, of all occupations, who may be in their territory subject to the jurisdiction of the one or of the other, transient ~~or~~ dwelling therein: Leaving open and free to them the tribunals of justice for their judicial recourse, on the same terms which are usual and customary with the natives or citizens of the country in which they may be: For which they may employ, in defense of their rights, such advocates, solicitors, notaries, agents,

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H. N. Bancroft--History of Mexico, Vol. V, Chap. XIII.

factors as they may judge proper, in all their trials at law: And citizens of either party, or their agents, shall enjoy, in every respect, the same rights and privileges, either prosecuting or defending their rights of person or of property, as the citizens of the country where the cause may be tried."⁽¹⁾

But Ellis, being dissatisfied with the reply, demanded his passports on December the 7th.

Money being appropriated by Congress, the President, Andrew Jackson, in the spring of 1837, again appointed Ellis minister to Mexico.

Before sending Ellis, however, a special messenger was dispatched to Mexico with a list of claims, now swelled from 18 to 57, allowing the Mexican minister a week to decide on their merits and give his answer.

"Of the original 18, only one which was dated as far back as 1831, and in the new set no less than 32 were founded upon acts said to have been committed prior to 1832, and which, had they ever been valid, were already consigned to the grave by the treaty of April 5th, 1831."

(1)

Treaties and conventions between United States and other powers, 1776-1887, Page 667.

Examples of the original 18 claims, even if valid, which were rendered invalid by the treaty of 1831 were:

(a) That of a Mexican Company of Baltimore which claimed damages for supplies furnished to General Mina in 1816 in his invasion of New Spain.

(b) That of Mrs. Young, the widow of Colonel Guilford Young, for back pay of her husband who was killed while serving under General Mina in Mexico.

"These claims were for revolutionary services against Spain with whom the United States were at peace, several years before Mexico secured her independence.

(c) The claims of J. E. Dudley and J. C. Wilson for property robbed from them by the Commanche Indians on the former's return from a trading expedition to Mexico."

An example of the new claims presented is one of 1829 which resulted from the destruction of a printing press owned by an American citizen, by a Spanish Army under the command of General Barradas, while invading Mexico at Tampico. Then, eight years later, the claim was first presented, although it was the act of an enemy of Mexico in time of war.⁽¹⁾

(1) H. H. Bancroft, History of Mexico, Vol. V, Chap. XIII.

But the Mexican congress, anticipating such a move of the United States, authorized the president not only to submit the 18 claims to arbitration but also to send a minister to the United States.

After a delay in securing the King of Prussia's consent to the appointment of an umpire, Mr. Forsythe on behalf of the United States and Mr. Martinez on behalf of Mexico concluded a claims convention on April 11th 1839.⁽¹⁾

By this convention, it was agreed that all claims of citizens of the United States against Mexico, presented through the state department or the diplomatic agent of the United States at Mexico until the signing of the convention should be referred to a board of four commissioners, two from the United States and two from Mexico.

The board was to meet in Washington within three months after the exchange of ratifications and to terminate its duties within eighteen months from the date of its first meeting.

The commission was to decide upon the justice of the claims as based upon the documentary evidence furnished by the state departments of the two governments and also upon the amount of compensation in each case.

(1) H. H/ Bancroft, History of Mexico, Vol. V. Chap. XIII.

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In case the commissioners disagreed, their differences were to be submitted to an umpire who was previously agreed upon and whose decision was to be final and binding on both republics.

The United States agreed to forever exonerate Mexico from further payment for the claims either rejected by the board or umpire or being allowed by either, should be provided for by Mexico by an issue of treasury notes in case the claims could not be otherwise paid.

As provided for by the convention, the commission, composed of Mr. W.L. Marcy and Mr. Rowan on behalf of the United States and Mr. Castillo and Mr. De Leon on behalf of Mexico, met at Washington August 17th, 1840. Each commissioner presented his commission and the certificate of **his** oath.

By article one of the convention, the commissioners of both governments were requested to be sworn to impartially examine and decide upon the claim laid before them. Furthermore, by article two, the secretaries were required to be sworn to discharge faithfully their duty in that capacity. The American commissioners presented certificates of oaths which were taken before a justice of the peace in the District of Columbia.

The time till August 25th was spent in a dispute over the

self administered oaths of the Mexican commissioners. The American commissioners declared them to be invalid because they were not administered by an American or Mexican officer.

However, after the Mexican commissioners, in a memorandum, had declared that their authority to administer oaths was not a general principle included in the power of plenipotentiaries but that it was embodied in their instructions, the American Commissioners accepted the question as closed and the board to be duly organized.

The King of Prussia, at the request of both governments, having appointed Baron Roenne, the Prussian Minister at Washington as umpire, on the 19th of August he was notified of the board's organization by an address to him by the board in both the English and Spanish languages.

Inasmuch as the Mexican commissioners denied the right of claimants or their attorneys to personally present their claims before the board, the American commissioners yielded the point and consented that all claims should be presented and decided upon according to the documentary evidence coming through the state departments or diplomatic agents of the two governments.

The proofs of the claimants were to be accompanied by a memorial in which the principal circumstances of the case

were cited both of which were to be written in English and Spanish. If a deficiency in the proofs was found the claimant was to be given a chance to furnish proofs to erase it. If the case was found ready to be acted upon the board was to discuss it orally. In case points of difference arose which could not be settled, each side was to make out and present to the other the points and facts in dispute. The reports to the umpire were to be confined to the facts so interchanged.

These reports to the umpire presented the most difficult part of the board's duties. The reasons for this difficulty were these: (a) The transactions out of which the claims arose were very complex. Most of them had *occure*d many years before in the midst of political revolutions and civil war as early as 1816 before Mexico secured her independence. This made it difficult to determine whether the offenders were the authorities of the then existing political power, the rebels, the revolutionists, while the country was in a state of anarchy or lawless depredators who assumed authority to perpetrate the wrongs. (b) Cases involving the application of Mexican miniciple law. The actual legislation of Mexico since her independence was very hard to determine. It was hard to determine whether the *Ordinances* of Spain, the *Code* of the

Indies, or the law of Mexico was in force after her independence. The decisions of the tribunals tended to confuse rather than to clear up the matter. It was sometimes with great difficulty that the true state of facts was determined not only on account of the instability of these tribunals but also on account of their voluminosity and the obscurity of their records.

As provided in the convention, the commission terminated on February 25th 1842, within eighteen months after its first meeting.
(1)

The tables on the succeeding pages illustrate the amount of claims which were presented, awarded, or rejected by the board and by the umpire.

(1) International Arbitrations Vol. III. House Misc. Docs., Vol. 3a Number 3267.

Total amount of claims presented	\$11,850,578.00
Claims presented too late for adjud- ication	<u>\$3,336,837.00</u>
	\$8,513,741.00
Referred to Umpire and undecided for want of time	<u>\$918,627.00</u>
	\$7,595,114.00
Rejected by Board and Umpire	<u>\$5,568,975.00</u>
Allowed by Board and Umpire	\$2,026,139.00 (a)

(a)--H. H. Bancroft: History of Mexico. Vol. V. Chap. XIII.

Recapitulation

	Principal	Interest	Total
Claims decided by the Board without refer- ence to the Umpire.			
(d)--Amount claimed	\$284,369.79	\$211,892.96	\$496,262.75
(a)--Amount allowed	220,415.46	218,978.36	439,393.82
Rejected on their merits at the Board.			
(b)--Amount claimed	37,992.70	13,499.55	51,492.25
Claims on which Board differed reported to Umpire and on which allowance was made.			
(c)--Amount claimed	2,808,616.43	1,071,395.08	3,880,011.51
Amount allowed by American Commissioners	1,279,564.31	535,155.05	1,814,719.36
Amount allowed by Mexican Commissioners	102,303.56	87,156.34	191,012.94
(a)--Amount allowed by the Umpire	1,533,223.38	53,522.48	1,586,745.86
Decided by the Board not to be within the Convention.			
(b)--Amount claimed	6,197.12	3,131.14	9,278.26
Rejected by Umpire on their merits.			
(b)--Amount claimed	42,139.09	17,830.31	59,967.40
Allowed by American Commissioners	39,974.86	17,779.56	57,754.42
Decided by Umpire not to be within the cog- nizance of the Board.			
(b)--Amount claimed	51,618.95	36,732.83	88,351.78
Allowed by American Commissioners	49,834.02	36,195.99	86,080.01
Returned by the Umpire undecided.			
(e ¹)--Amount claimed	1,108,840.90	696,098.66	1,804,939.56
(e)--Allowed by American Commissioners	564,409.56	355,218.32	919,627.88
Cases submitted too late to be considered by the Board.			
(e)--Amount claimed	2,285,022.66	1,011,814.39	3,296,837.05

CONTINUED

Total awarded by Umpire
Total awarded by American Commissioners on
reference to the Umpire
Total awarded by Mexican Commissioners on
reference to the Umpire

(1).House Ex. Doc. '291, 27th Cong. 2nd Sess.

<u>Principal</u>	<u>Interest</u>	<u>Total</u>
		\$1,586,745.86
		2,334,177.44
		591,012.94
		(1)

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Since it is very difficult for the reader to clearly understand the table even with the facts before him, it is believed that it can be grasped if we arrange the claims in three natural groups, viz:

(a) Claims settled by the board or by the umpire which were favorable to the claimants. Such claims are designated by (a) on the table. By adding the two (a)'s we get \$2,026,139 which was the amount settled favorably to the claimants.

(b) Claims decided unfavorably to the claimants by the board or by the umpire. Such claims are designated by (b). The total amount of this group is obtained by adding the four (b)'s and the results secured by subtracting (a) from (d), and (a) from (c), and (e) from (e1) which is \$5,758,982.94.

(c) Claims which were left unsettled. These are designated by (e). The total for this group is \$4,265,454.93. Thus making the total number of claims presented, the enormous sum of \$11,850,576.87.

In general character the claims as presented to the board arranged themselves into six classes:

(a) Cases which involved the alleged wrongful seizure of property which in many instances was committed by the

custom officers. Most of the claims fell into this class. (b) the overcharge of Duties. (c) Vessels which had been pressed into the government service, vessels which were built for the Mexican Government, and vessels which were repaired for the government. (d) For the use of houses which had been occupied by the Mexican troops. (e) For forced loans. (f) For unlawful imprisonment.

In all, eighty-four claims were presented to the board and of these fifty-four were decided. Sixteen of the cases referred to the umpire were decided by him. The board rejected three claims on their merits and four on the ground of lack of jurisdiction. The umpire rejected five claims on their merits and six on his lack of jurisdiction. On the undecided cases, the reports of the Mexican and the American commissioners were made on or after the 19th of February thus making it impossible for the umpire to dispose of them by February 25th, which was the time set for the termination
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of the commission.

(1) International arbitrations Vol. III, House Misc. Docs.
Vol. 3a Number 3267, Page 1231.

Of the claims presented, less than One Fifth were allowed. Three fourths were thrown out as spurious: And almost three and one half millions were presented too late for examination. But adding for these, one million, the outside estimate that they will bear with any degree of equity. Mexico owed the United States about three millions instead of nearly twelve millions as claimed. (1)

Owing to the proposed annexation of Texas by the United States and the absence of money in the Mexican treasury, the efforts of the United States to negotiate for the settlement of the undecided claims and for the payment of the claims allowed according to the decision of the board, met with failure.

Therefore it was necessary to enter into another convention which was concluded January 30th, 1843 by Mr. Thompson of the United States and Mr. Bocanegra of Mexico which provided that Mexico on the 30th of next April should pay not only the interest on the \$2, 026,139 which was awarded by the board and the umpire but also within five years she should pay the principal in twenty equal installments bearing 8% in-

terest and $2\frac{1}{2}\%$ interest was to be added to pay the freight and other charges for transporting the money to Washington. The payments were to be made in gold or silver coin at Mexico City to persons authorized to receive it by the president of the United States. For this payment Mexico pledged part of her direct taxes. And finally a new convention should be concluded to settle all the claims of citizens of the United States against Mexico which were not decided by the board, claims of the United States Government against Mexico and all claims of the Mexican Government and her citizens against the United States.

In accordance with the sixth article of the above convention, Mr. Thompson succeeded in concluding a convention on November 20th, 1843 with Mr. Bocanegra and Mr. Trigveros by which all claims of citizens of the United States against Mexico and claims of citizens of Mexico against the United States which were not settled by the board were to be referred to a new commission. Claims which had been considered by the former umpire but had not been decided by him were to be referred to a new umpire who should be the King of Belgium.

Inasmuch as the senate of the United States amended the convention by striking out the articles whereby claims of the Mexican Government were to be considered and in changing the meeting place from Mexico City to Washington, Mexico deferred

(1)

her approval and the convention was never ratified.

In August 1842, President Tyler authorized the Honorable Waddy Thompson, Envoy Extraordinary and Minister Plenipotentiary of the United State to Mexico not only to receive the money which was to be paid by Mexico in accordance with the commission and give full acquittance for it but also to appoint a substitute to receive it in his name. Mr. Thompson decided on the latter alternative and appointed Mr. Emilio Voss, member of the firm of L. S. Hargous and Co., to act for him.

Acting in this capacity, Mr. Voss received the sum of \$269,950.58 on April 29th, 1843 which was the back interest due on the award of the board of 1840-42. Mr. P. A. Southall had been authorized by the President of the United States to receive this payment and his presentation of his credentials on May 3rd to the Mexican minister of Foreign Affairs caused no little confusion which, however, was satisfactory adjusted by the efforts of the Honorable Waddy Thompson. Mr. Voss also received the first three installments and interest as provided for by the convention of January 30th 1843, in August, and November of 1843 and in March 1844.

(4)

International Arbitrations Vol. III, No. 3267 P. 1244-6

The amount of money received by the United States from the award of the Board through the convention of January 30, 1843, can be ascertained by Secretary J. C. Spencer's instruction to Thompson of July 4th 1843. Mr. Spencer, in his instructions, concerning the accounting of the amount of the installments and the interest to be paid says "That by the convention of January 30th 1843, the principal of the awards and the interest accruing on them, are to be paid in five years in equal installments every three months, the term of five years beginning on April 30th 1843.

By this, it will be seen that there will be four installments of the principal and of the interest every year, making twenty installments in all. As the installments are to be equal there will be no difficulty in making those of the principal equal, but those of the interest can be made equal only in their relative proportion to the principal. The amount of the principal can be obtained each time by dividing the whole amount by twenty. The amount of interest can be obtained each time by dividing the annual interest to be paid which is 8% into quarterly payments of 2%.

Mr. Spencer, however, in attempting to illustrate the amount of the July and October installments, starts with the wrong principal and consequently his results are inac-

curate. He places the principal at \$2,016,149.98 which should be \$2,026,139. Here is Mr. Spencer's illustration:

Principal \$2,016,149.98

5% or 1/20 of principal is \$100807.49

2% interest of the principal is \$40332.99

Making a total of \$141,140.48

for July 30, 1843.

5% or 1/20 of principal is \$100,807.49

2% int. on remaining Prin. is \$38,306.84

Making a total of \$139,114.33

(1)

for Oct. 30th 1843.

Starting with the correct principal of \$2,026,139, the amount of money received by the United States in the three installments with interest was:

July 30, 1843.

5% on 1/20 of the Prin. is \$101,306.95

2% int. of the Prin. is 40,522.78

Making a total of \$141,829.73

Oct. 30, 1843.

5% of 1/20 of the Prin. is 101,306.95

2% int. of Prin., \$1,924,832.05: 38,496.64

Making a total of \$139,803.59

January 30, 1844.

5% or 1/10 of Prin. is \$101,306.75

2% int. on Prin. of \$1,823,425.10:36,468.50

Making a total of \$137,775.45

Total Principal and Int. for 3 installments is \$419,408.77

These computations which we have made, although they are ^{not} in accordance with Secretary Spencer's instructions, do not absolutely agree with some of the reports of the collector in Mexico. For instance, Mr. Thompson in his report of August 5, 1843 says the amount collected is \$141,020.02⁽¹⁾. Our estimate for the same installment--July, is \$141,829.23. This is not so strange when we remember that there is a difference of \$9,989.02, in the original principal upon which our estimates are based. Further more we find that Mr. Thompson's amount doesn't agree with Mr. Spencer's whose estimate for the same installment, based upon the same principal, is \$141,130.48⁽²⁾.

Preferring the wisdom of the Secretary of State to that of a collector and since our computations are based on the secretary's instructions and the correct principal, we believe our estimate is reasonably accurate.⁽³⁾

(I), House Ex. Doc. 144, 28th Cong. 2nd session P. 11.

(II), Ibid, P. 24.

(III), House Ex. Doc. 291, 27th Cong. 2nd Session Vol. V P. 61.

By subtracting the amount of money collected, exclusive of interest, which was \$303,920.85 from the original principal of \$2,016,139, we see that there still remained the sum of \$1,722,218.15 due to the citizens of the United States.

B. E. Green, in a letter to the Secretary of the Treasury of December 18, 1844, stated that up to the time he left Mexico City, none of the recent April, July, or October installments had been paid. That since the 30th of April, 1844, he had made almost daily application for the money but his inquiry was always met with the reply that it would be paid to-morrow. . But the fact was that the money raised by forced loans to pay the United States claims, were used for other purposes. And when orders upon the treasury were given to the agent who was to receive it, he found the treasury empty. Furthermore, when Mr. Trigueros left the treasury department, his successor suspended the payment of all orders.

From the above account, therefore, it is clearly seen that American citizens only received three of the twenty installments and the interest up to the 30 of April, 1843.

Having, as we believe, adequately determined not only the amount of money received from the award of the Board through the convention of January 30th, 1843, but also the

(1), House Ex. Dec. 114, 23th Cong. 2nd Session Page 26.

the amount still due the citizens of the United States from the award of the Board, we will now proceed to work out the real important part of this paper--the validity of the claims presented by Slidell to the Mexican Government.

Before attempting to reach a conclusion on the validity of the claims which Mr. Slidell presented, let us examine the character and the amount which he presented.

As to the amount of claims of United States citizens against Mexico, Mr. Slidell stated: "That the amount awarded by the convention of April 11th, 1839, was \$2,026,139; claims were examined and awarded by the American Commissioners, amounting to \$928,627 upon which the umpire refused to decide, alleging that his authority had expired, while others, to the amount of \$3,336,837, remained altogether inacted upon, because they had been submitted too late for the decision of the Board.

In relation to the claims which had been submitted to the Board of Commissioners, but were not acted on for want of time, amounting to \$4, 265,464, a convention was signed in this capital on the 20th of November 1843, by Mr. Waddy Thompson, on the part of the United States, and Messrs. Bocanegra and Trigueros, on that of Mexico, which was ratified by the Senate of the United States, with two

amendments manifestly reasonable and necessary. Upon the reference of these amendments to the Government of Mexico, it interposed evasions, difficulties, and delays of every kind, and has never yet decided whether it would accede to them or not, although the subject has been repeatedly pressed by the Ministers of the United States.

Subsequently, additional claims have been presented to the Department of State, exceeding in amount \$2,200,000, showing in all the enormous aggregate of \$8,491,603. But what has been the fate of those claimants against the Government of Mexico, whose debt has been fully liquidated recognized by Mexico, and its payment guaranteed by the most solemn treaty obligations?

The Mexican Government finding it inconvenient to pay the amount awarded, either in money or in an issue of treasury notes, according to the terms of the convention, a new convention was concluded on the 30th of January 1843, between the two governments, to relieve that of Mexico from this embarrassment. By its terms the interest due on the whole amount awarded was ordered to be paid on April 30, 1843, and the principal, with the accruing interest, was made payable in five years, in equal installments, every three months. Under this new agreement, made to favor

Mexico, the claimants have only received the interest up to April 30th 1843, and three of the twenty installments. (1)

Since the method of payment of the claims awarded by the mixed commission of 1839-42 was annulled by the Convention of January 30th 1843, the amount of money which would have been due American citizens by the new convention was \$7,721,576.88. Of this amount \$262,950.58 was the back interest of the award of the Board of 1840-42 due April 30th 1843. Of the remaining \$2,451,626.10, the sum of \$2,026,139 was the original principal and \$425,587.10 was the interest on the principal, computed according to Secretary Spencer's instructions.

The amount of the three installments and interest which was paid by Mexico, was, as we stated on a previous page, \$419,408.77.

The amount of the next seven installments and interest, still unpaid and due Oct. 30th 1845, which Mr. Slidell should have presented was \$907,710.23.

By Mr. Slidell's own statement, we see that the amount of claims which he presented to Mexico was:

(1). House Ex. Doc. 60, 30th Cong. 1st Session, Slidell to Pena Y. Pena, Dec. 24, 1845.

I. Claims returned by umpire undecided	\$ 928,627.00
II. Claims presented to the Board too late to be decided	\$3,336,837.00
III. Claims by the award of 1842 as awarded by the convention of Jan. 30, 1843 less the back interest, 3 installments and int.	\$2,032,217.33
IV. Subsequent claims arising since the award of 1840-42	<u>\$2,200,000.00</u>
Making a total of	\$8,496,681.33

We agree with Mr. Slidell's statement except the amount of \$2,032,217.33. It seems that Mr. Slidell, instead of presenting the seventeen installments should have presented only the seven installments which were due Oct. 30, 1845.

As it was still 2 years and 6 months before the time, prescribed by the new convention, would terminate, the failure to pay the last seven installments had not invalidated the convention and Mr. Slidell had no right to present the full amount.

The amount which he should have presented was \$907,710.23 which is computed in the following manner:

Since three installments were paid, the principal of the three installments amounting to \$303,920.85 must be

deducted from the principal of \$2,000,139.. leaving a new principal of \$1,782,218.15.

1. April 30, 1844.

1/20 of Prin. is	\$101,306.95
2% int. on Prin. \$1,782,218.15:	34,444.36
Making a total of	\$135,751.31

2. July 30th 1844.

1/20 of Prin. is	\$101,306.95
2% int. on Prin. \$1,680,911.20:	32,418.22
Making a total of	\$133,725.17

3. Oct. 30th 1844.

1/20 of the Prin. is	\$101,306.95
2% int. on Prin. \$1,519,604.25:	30,392.08
Making a total of	\$131,699.03

4. Jan. 30th 1845.

1/20 of Prin. is	\$101,306.95
2% int. on Prin. \$1,418,297.30:	28,365.94
Making a total of	\$129,672.89

5. April 30, 1845.

1/20 of Prin. is	\$101,306.95
2% int. on Prin. \$1,316,990.35:	26,339.80
Making a total of	\$127,646.75

6. July 30, 1845.

1/20 of Prin. is \$101,306.95

2% inter. on P. \$1,215,683: 24,313.66

Making a total of \$125,620.61

7. Oct. 30, 1845.

1/20 of Prin. is \$101,306.95

2% int. on Prin. \$1,114,376: 22,287.52

Making a total of \$123,594.47

Total \$907,710.23

According to our estimate, the amount of claims which Mr. Slidell should have presented are:

1. Claims returned by umpire undecided	\$928,627.00
2. " presented to the Board too late to be decided.....	\$3,336,837.00
3. Claims by award of 1840-42 as amended by convention of Jan. 30th 1843, less back interest, 3 installments and interest and including only 7 installments	\$907,710.23
4. Subsequent claims presented since award of 1840-42.....	<u>\$2,200,000.00</u>
Total	\$7,373,174.23

Of course this estimate is based upon the supposition that the claims amounting to \$2,200,000.00 were valid.

From this estimate, if our contention is a valid one,

Mr. Slidell presented an excess of claims amounting to \$1,123,507.10.

Having determined the amount of claims which Mr. Slidell presented we will now proceed to ascertain their validity.

As there is no question concerning the validity of the award of the Board, those which were undecided by the umpire and which were presented too late for decision will be first determined.

In order that the character of these claims may be ascertained, the tables on the following pages are submitted which are self-explanatory.

I. Awarded by American Commissioners but returned by the Umpire undecided.

Date referred	Claimant	Allowed	Remarks
Feb. 2nd 1842	J. O. Flaherty S. Louder (1)	\$ 9,519.00 1,281.19	Claimant was master of Schooner, W.A. Turner. Claim for imprisonment and injuries.
Feb. 10 1842	J. Hughes (2)	3,274.00	(1) Schooner Topaz, impressed 1831 to convey Mexican troops and officers from Matamoris to Anahuac. Captain and crew murdered by the troops. Mexico held murder done by crew.
Feb. 19 1842	S. O. Bradstreet (3)	9,347.74	
"	N. Cox (4)	102,083.02	
"	S. Elkins (5)	129,915.00	(2) Brig William, Robinson Patter, claimant.
"	J. Reed (6)	14,170.35	Impressed into Mexican service and lost.
"	J. Reed as assignee of F. A. Sawyer Bennet and Sharpe.	723.63	The same (3) Seizure of Schooner Gardner at Frantera and condemn without cause and officers and crew mistreated.
"	Brandon & J. Reed.	14,599.38	"
"	A. Moore & J. Reed as assignees of above.	5,891.48	" (4) For supplies to Mexico in years 1816-17.
"	N. Folger assignee of Chas. Guent.	280.68	" (5) For the same.
"	Malcolm Stan. & Co.	2,476.27	" (6) Case of Julius Caesar. Captain & crew imprisoned by Mexican officers. Capture caused by pretended blockade of Texas.
"	F.C. Gray	1,316.31	"
"	G.C. Alford.	6,315.60	"
"	J. Stephens	1,981.28	Case of Julius Caesar.
"	J. C. Bedford.		The same.
"	O. Shorewood	116,698.23	Schooner Champion. Claim similar to J. Caesar.
"	N. Shorewood	2,264.24	The Same.

I--Continued.

Date Referred.	Claimant.	Allowed
Feb., 19	J. P. Jackson	\$2,859.58
1842.	W. Kennedy	4,305.10
"	H. Crouch	1,898.89
"	W. Smeed	1,436.54
"	T. Collings	1,352.41
"	J. J. Gramont	1,508.99
"	J. Wocrallo	1,333.00
"	R.S. Higginbottom	4,285.00
"	N. Cheatham	1,333.00
"	E. Dyer	1,333.00
"	P. Doyboval	1,333.00
"	A. Earclay	1,333.00
"	D. Hull	1,333.00
"	W. H. Rogers	1,333.00
"	T. Powell	35,846.38
"	Mrs. E. Young	8,913.81
"	E. J. Forestall, and G. Forestall & Co., shippers	22,472.79
Feb., 21	J. Johnson, Admr. of Wallace	7,988.16
"	G. B. Fiske	7,992.71

Remarks

The Same

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Case of Schooner Louisiana. Claims similar to those of Julius Caesar.

Widow of Colonel Guilford Young, an officer who fell in the Mexican cause of independence in 1817.

Schooner Felix, siezed Sept. 18, 1825 on the allegation of having on board Spanish goods brought from Havanna. Crew was mistreated, cargo and vessel except a small part condemned.

The mate of the Schooner Felix.

Case of Schooner Superior, siezed at Laguna, 2-23-1826. Vessel of same name alleged to have been engaged in smuggling.

I--Continued.

Date	Referred. Claimant.	Allowed
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Feb., 21.

"	Chouteau and J. DeMon	\$75,930.04
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"	S. Hartshorn	6,255.67
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"	B. Williams and J. H. Lord	12,061.62
Feb. 22.	John Baldwin	1,481.51

"	J. Wolsey and E. Ward	4,336.78
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"	Mrs. M. C. Meade	45,703.12
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Remarks

Siezed by mistake or pretence of being the same vessel. Mexican authorities refused evidence to prove the error.

Siezure of goods near the head waters of the Arkansas river by Mexican Authorities in the Territorial limits of the U. S. on the pretence of being intended to be smuggled. Agents imprisoned.

Siezure of certain articles of cargo from the ship Henry Thompson at Vera Cruze Jan. 1834. Alleged violation of revenue laws and want of manifest.

Owners of the above vessel.

For trunks siezed containing clothing in 1837. Conflict between collector and Dist. Judge. Claimant unable to obtain an adjudication and was compelled to abandon his property.

Ward captured and imprisoned. He was captain of Schooner St. Croix which was captured in Texas in 1834 commissioners made a desision on the case only in favor of the owners of the vessel.

Claims for damage on certain bills of the exchange drawn by Mexico on the Barings in England in favor of her husband, R. H. Mead e in July 1822.

I--Continued.

Date	Referred	Claimant	Allowed
Feb. 22, 1842.	R. S. Cox Trustee of Un-	ion Land Cp.

Feb. 24, 1842.	G. Powell and G. Elderkin	18,713.70
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"	F. Arenas	14,953.13
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Remarks

The case of the Union Land Co. can be considered under two heads. First, claims for damages and losses for seizure of Schooner Cresant and her cargo by Mexico in 1830. Second, Damages arising from prevention of completing voyage and acquiring the right of property to land in Texas. This depended on certain conditions of settlement. Vessel had on board emigrants and things necessary for colony. Mexican Commissioners rejected claim on the ground of Mexican law of 1830 by which rights acquired by the original Grantees of Mexico, their titles were prohibited from being completed. Ereckinridge produced papers giving them legal title for the land by Mexican law. Case not reported on account of lack of time.

Schooner Escambia which was seized at Matagorda 1826, having on board colonists and passengers. Goods pillaged, Captain and others imprisoned. Claimant a naturalized Spaniard. A merchant at Oazoca in 1833. Goods seized arbitrarily by Mexican authorities and expelled. Claim for losses and damages.

I--Continued.

Date

Referred	Claimant	Allowed
Feb 24, 1842	J. Swazey, J. Curtis, J. For- nhan and W. Lew- is.	\$12,763.35
Feb. 25 1842	John Baldwin	215,031.98
"	John Morgan	<u>12,566.28</u>
	Total	<u>*928,627.88</u>

Remarks

Executors of will of Admiral Curtis and Arner Lane. For seizure of Schooner Eclipse, 1816 at Tobasco, and appropriation of vessel and cargo. Pretence of smuggling which was groundless. It appears to have been caused by the excitement arising from the Texas question.

For Seizure of Schooner Oriente at Guasacuralcos. It consists of two distinct claims for vessel and cargo. On the face, seizure was on pretext that ships papers were not in Spanish. Proceedings were irregular and prove capture was made in anticipation of hostilities.

The Same.

II--Presented to the Board too late to be decided.

Claimant	Amount	Remarks
M. Dougherty		Schooner Louisiana.
Lagueréine	\$44,891.48	Claim for losses of goods in sacking of the Parion in Mexico Dec. 4th 1828.
and Eourdell Richard Coxe Trustee of Trin- ity Land Co.	0,154,604.63	Note by Breckinridge: Claim as represented was same as to its merits as that of Union Land Co., for 112 sities or leagues of land. This case differs from that of the Union Land Co. in circumstances of the repeal of the prohibitory law of 1830, which forms the ground of the argument of the Mexican Commissioners in case of Union Land Co. the vessels seized were the Schooners Climax, Whig, DeRoussey, and their cargoes, provisions, etc. Agents imprisoned and settlers were turned away. Land items in the case is \$1,428,366 with interest amounting to \$78,366.08.
Richard S. Coxe Trustee of G. L. Thompson	408,227.87	Same as the above. Claimant states that quantity of land which he was prevented from colonizing was 1,066 sities. Also claims were for loss of cargo of the Frigate Good Hope, goods, furniture, provisions, wages to agents mechanics and colonists. Goods and provisions were destroyed by Santa Anna before the battle of San Jacinto.
R. E. Turnage T. Earley F. Earley A. C. Foriqua	40,000.00	For Schooner Martha, seized by Mexican war vessel in April 1835 in Texas. Passengers were maltreated and imprisoned and subjected to great sufferings. Property seized and confiscated.

II--Continued.

Claimant	Amount	Remarks
W. S. Parrott	\$690,113.67	For various claims on Mexico arising from contact, wrongs done, . Parrott was merchant in City of Mexico. Subjected to forced loan by the Government and variously oppressed, as he alleges, under color of judicial proceedings from 1832-37.
Total	,\$3,336,837.00	

The cases which were prepared for the final action of the Board, so far as they depended on it, were disposed of except three. Those of Mr. S. Parratt, Trinity Land Co., and Richard S. Cox, Trustee of G. L. Thompson and others, came to the board on the last day of the session and could not be considered on account of lack of time.

The attention of the board was also called to the case of the schooner Martha, R. H. Turnage and others, claimants: case of the schooner Louisiana of New York, Micheal Daugherty, claimant: and the case of Laguerenne and Bourdell, but they were found not to be in condition to receive final action by the Board.

Of the cases decided by the umpire and also returned undecided for want of time, all except that of James O' Flaherty was received on the 19th of February, within six days of the end of the session. The case of O'Flaherty was returned undecided on account of not being in a condition for decision.

Although the American Commissioners did not deem it necessary to enter into detail concerning the cases which were left over, yet, the peculiar conditions in which some were left, seemed to demand some explanations.

The case of Mr. S. Parratt is one of those which seemed

to elicit their attention. Mr. Parrott had been a resident merchant of Mexico City for many years and presented a large claim against Mexico. Several items are distinct from each other, as the injuries arose from distinct transactions. His claim to a forced loan of \$1,000 nor for a draft of \$6000 was not disavoured nor seriously opposed. However, these were only a small part. A large amount of the claim was for an indemnity for losses which he alleged he had sustained by the illegal acts of several judicial and ministerial functionaries: by perversions of authority by officers of justice and by spoliations of property, under color of law, but in manifest violation of it.

Before the board was organized, Mr. Parrott presented a memorial specifying the documents which should be demanded of Mexico. However, the Mexican commissioners objected that such demands must come through the State Department and the requisition which was asked by him on December 23rd 1840, was made formally January 13, 1841, and it was among the first which were transmitted to the Mexican Government.

Of the twenty-one documents which were demanded, there were twelve which were never sent. And of those which sent, all were imperfect in that the necessary evidence was not contained but it was referred to in other documents.

Mr. Parrott waited till near the close of the session for a return to the requisition but rather than let his claims be settled without the necessary documents, he presented a memorial demanding that the claim be left over and unsettled.

His attitude, that it was the right and duty of the Board to draw an inference favorable to the claim from the fact of non-production of the necessary records which had not been transmitted by the Mexican *Government*, was denied by the Mexican Commissioners.

The Mexican Government was in duty bound to transmit these documents by the fourth article of the convention of 1839, which says: The Mexican Government shall furnish all such documents and explanations as may be in their possession for the adjustment of the said claims according to the principals of justice law of nations, and stipulations of the treaty between the United States and Mexico of April 5, 1831. The said documents to be specified when demanded at the instance of the said commissioners.

The Mexican commissioners held that they had complied with the fourth article of the convention of 1839, in respect to all claims and in respect to the claim of Mr. Parrott.

They held that in his claim, Mexico had sent all the

documents which were in her power because those that relate to her tribunals were not in her archives and it was in evidence that she had ordered the transmission of the others.

If the documents were lacking, it was due to their number, volume, and distance. It was against Mexican law regulating judicial proceedings to send them incomplete.

The Mexican Commissioners further maintained that inasmuch as Mr. Parrott's claims related to merchantile and pecuniary difficulties between him and sundry persons, and was then before the Mexican tribunals it was not in the jurisdiction of the Board, but subject to the treaty of 1831.

In reply, the American Commissioners held that the Mexican Commissioners admitted that Mexico had not sent all the documents within its reach and then they go on and say that their government had put at the Board's disposal all the documents in its reach according to the convention of 1839. Furthermore the documents to be produced by Mexico were not limited to those in her archives.

November 10th 1841, the Mexican Commissioners informed the American Commissioners that the United States Government had notified Mexico through her minister in Mexico City, Mr. Ellis, that it had withdrawn from the cognizance of the Board the cases of the Julius Caesar, Topaz, Champion,

Louisiana, Brig Paragon, Schooner Hannah Elizabeth, W. E. Colman, Seamen of the Sloop Natchez, D. W. Smith, Hall and Hallet, Lieutenant Osbourne and crew of the United States Revenue Cutter Jefferson, Brig 4th of July.

Through these cases were repeatedly called up for consideration by the American Commissioners, the Mexican Commissioners declined to act on them. Being thus suspended they were not permitted to come before the Board till January 26th 1842, within one month of the termination of the Board's session. Then, when Messrs. Marcy and Breckinridge moved their consideration, the Mexican Commissioners declared in writing: "That they were willing to examine those cases in which individual interests were concerned but leaving to the respective governments the settlements, between themselves, of the points of honor in the said cases, and which, as such are not submitted to the Board's decision."

We have now come to the subject of the validity of the claims which were presented by Mr. Slidell. According to the comparison with those awarded by the Board or by the umpire, all of the claims which were awarded by the American Commissioners but returned by the umpire undecided, amounting to \$928,627.88, appear to be valid on their face except one-- that of Elizabeth Young for damages for her husband's death in 1817 in the Mexican cause of independence.

"Claims may be classified as follows: (1), Claims which have been awarded by the Board or by the Umpire. (2), Claims which were considered by the Board, and they, differing, were referred to the Umpire and were left undecided by him for want of time. (3), Claims presented to the Board too late for consideration and were not decided by the Board or Umpire.

The second or third classes still remain subsisting claims against Mexico, expressly recognized as such by the first article of the convention of 1839 and are not released or discharged by the same. The 12th article of the same convention exonerate Mexico from further responsibility only for claims rejected by Board or the Umpire, or being allowed by either shall be provided for in the manner set forth in the convention.

Claims of the last two classes have not been rejected by either the Board or the Umpire. As regards them the convention remains unexecuted and requires to be provided for by a new convention with Mexico.

Mexico is by the convention exonerated from claims of the first class by the 12th article of the convention of 1839".⁽¹⁾

The report, dated August 10th, 1842 of the Committee of Foreign Relations which was submitted by Mr. Rives, to which

(1). House Com. Report 1096 Vol.V. 27th Cong. 2nd Session.

was referred the memorial of John Baldwin, W. S. Parrott, G. G. Thompson, Aron Leggett, and others in relation to claims of themselves and others against Mexico is: "In regard to the claims thus undisposed of at the expiration of the Mixed Commission (either on account of not being definitely acted on by the Board, or, being acted on by the Board, were presented to the Umpire but returned by him undecided on account of lack of time to examine them before the expiration of the commission) the committee is of the opinion, notwithstanding the intimation to the contrary, contained in the two letters of the Mexican Commissioners which were addressed to the Secretary of State on February the 25th, and 26th, 1842, that they are to be regarded as still subsisting claims against Mexico and in no manner whatever, barred by the convention, and are entitled, according to their intrinsic merits, to the faithful countenance and support of the United States Government in prosecuting them to a final adjustment.

Such of the claims as have been allowed, and the amount ascertained by the Board or the Umpire, should be the subject for an immediate demand for payment and satisfaction. (1)

By the reports of the House and Senate Committees, we see that the claims which were undecided by the Umpire an ac-

(1). Senate Doc. 411, 27th Cong., 2nd Sess. Serial 399, Vol. V.

count of lack of time and those which were presented to the Board too late to be considered, amounting in all to \$4,265,464.00, were perfectly valid and good.

In respect to the validity of those claims, amounting to \$2,100,000.00, which had arisen since the expiration of the Joint Commission provided for by the Convention of 1839, and to which Mr. Buchanan thus refers:

"If you do not succeed in making a treaty according to your instructions and it should become necessary to insist on the ratification of the Convention of November 20th, 1843, as amended by the United States, it ought to be so modified as to embrace all the claims of our citizens upon that government which have not already been decided upon by the former Board of Commissioners, down to the date of its ratification.

Many claims of this character are now on file in this department, as you will perceive from the accompanying list. It is necessarily very incomplete, owing to the delay of the claimants themselves in presenting their documents", Con-⁽¹⁾clusive evidence, not only concerning them but also in respect to the undecided claims of \$4,265,464.00, is ascertained in the treaty of 1848 between the United States and Mexico and in the report of the Claims Commission of 1849-50.

(1). J. E. Moore's, Works of J. Buchanan, Vol. VI, Instructions to Slidell, Nov. 19th, 1845.

With the exception that the United States agreed to assume the payment of claims of the United States citizens against Mexico not to exceed \$3,000,000.00, instead of \$3,250,000.00 as was provided in the final treaty, article VI of Mr. Trist's project treaty was practically the same as articles XIII and XIV of the final treaty.⁽¹⁾

By article XIII of the treaty of 1848, the United States agreed to assume the payment of claims due or there after to become due by the Convention of January 30th 1843, and to forever relieve Mexico of the obligation for their payment.

"By article XIV the United States discharged Mexico from all claims of citizens of the United States which were not before decided against the Mexican Government, which may have arisen previously to the date of the signature of the treaty which discharge should be final and perpetual, whether the said claims were rejected or allowed by the Board of Commissioners provided for by the next article and whatever should be the total amount of those allowed."

By article XV, the United States absolutely cancelled all the claims of her citizens against Mexico, mentioned in article XIV and agreed to assume them to an amount not to

(1). J. B. Moore: Works of J. Buchanan, Vol. VII.
 Buchanan to Trist. (Project Treaty).

exceed \$3,250,000.00.

To ascertain the amount and validity of those claims, a Board of Commissioners should be established by the United States Government whose awards should be final: Provided that, in deciding on the validity of such claims, the Board should be guided and governed by the principles and rules of decision, as prescribed by articles I and V of the unratified Convention of November 20th, 1843. In no case should an award be made in favor of any claimant not embraced
(1)
by those principles and rules.

The principles and rules alluded to in the Convention of November 20th, 1843 were as follows:

By article I, all claims of United States Citizens against Mexico which were found in a legal condition (en estado legal) were to be considered agreeably to the law of nations and to the treaties existing between the two Republics. Also those which were presented by the Board to the Umpire and undecided by him and those which were presented to the Board too late to be decided, were to be considered by the new Commission.

By article V, claims must be submitted to the Board in both the English and Spanish languages. The claimants could present evidence in the form of books, writing papers, or

(1). Treaties and Conventions of the United States and Foreign Countries: 1776-1886. Pages 687-8.

copies or extracts. The evidence, however, must be certified by the legal forms in use in the respective country.

If the Commissioners or claimants of one government desired any documents which were in the possession or which were in the reach of the other, demand of them ~~were~~ to be made in writing through the Commissioners of the latter government. If the demand is made by the ~~Commissions~~, it must be made within three months of the Board's session and if made by the claimants, it must be made within six months after the beginning of the session.

If the government refused or unreasonably delayed in complying with the demand without good reasons as deemed by the Board or the Umpire, the facts which were expected to be proved by the documents, were to be considered established.
(1)

Having established, by the first and fifth articles of the unratified convention of Nov. 20th 1843 and by the XIV and XV articles of the final treaty of 1848, that not only the claims left undecided by the Commission under the Convention of 1839 amounting to \$4,265,464,00 but also the subsequent claims exceeding in amount the sum of \$2,200,000 were to be assumed and paid by the United States Government,

(1). House Ex. Doc. 158, 28th Cong. 2nd Sess. Pages 29-30.

We must now look to the report of the Commission of 1849-50 to settle the question of their validity.

The report of the Commission, in response to a senate resolution calling for the same, was sent to the Senate February 10, 1852.

"The Commission, which was instituted by an act of Congress on March 3rd, 1849 for the settlement of the unliquidated claims of the United States citizens against Mexico as were assumed by the United States Government, reported that the total amount which was awarded, including the interest of 5% on all claims growing out of contracts and loss of property from the origine of the same to the close of the Commission, was \$3,208,314.96."

As the United States had agreed to assume the payment of such claims not exceeding \$3,250,000, the amount awarded was \$41,685.04 less than the agreement.

"The Board was organized on April 16th, 1849, as the time appointed by the president, and held five sessions-- April 16th 1849 to April 15th, 1851."

The total number of memorials which were presented were 292. This number does not show the actual number of claims because several claimants presented their claims in the same memorial.

Forty memorials were rejected on account of lacking facts

which, if proved, would make valid claims against Mexico.

Two Hundred and fifty-two were received, and of these, 182 were sustained and allowed. The remaining 70 were held not to be valid. Thus, 182 memorials were decided as valid and 198 claims were allowed.

(1)

Senate Doc. 34, 32nd Congress, first Session,

Vol. VII.

For the sake of Clearness, these tables are submitted:

I. Memorials.

Total Number of Memorials presented	292
Number of Memorials rejected on their merits	<u>40</u>
Number of Memorials received for Consideration	252
Number of Memorials sustained as invalid	<u>70</u>
Number of Memorials declared valid	182
Number of Memorials thus decided	
Invalid---(40 plus 70)-----	110

II. Amount of Claims

Amount undecided and left over from the Convention of 1839: \$928,627 plus 3,336,837.	\$4,265,464.00
Amount of Claims subsequently arising	<u>2,200,000.00</u>
Total Claims presented	\$6,465,464.00
Amount of Claims declared valid and allowed	<u>3,208,314.96</u>
Total Amount of Claims declared invalid	\$3,257,149.04

CHAPTER II.

"THE OFFICE OF THE CLAIMS OF THE UNITED STATES
CITIZENS AGAINST MEXICO.

When James K. Polk was elected president of the United States in the Autumn of 1844, he had already outlined what may be termed a quadruple policy. This policy was not dictated by his party nor by his political friends. In a brief way it may be so stated as to include, first: the reduction of the tariff; second: the establishment of the Independent Treasury: third: the settlement of the Oregon Question: and fourth: the acquisition of California. (1)

On the other hand Polk stated that the policy of his administration would be carried out in accordance with the Democratic Platform of 1844, and his Inaugural Address of March 4th, 1845.

In his Inaugural Address, the first three parts of his Program, as stated by Mr. Reeves, are mentioned but his Policy concerning California is omitted. (2)

(1). J. S. Reeves: American Diplomacy under Tyler and Polk. Chap-XI. P. 268-9.

(2). Richardson: Messages of the Presidency. Vol. VI.

(1)

Neither is it found in the Democratic platform of 1844.

Immediately after his inauguration Polk proceeded to lay definite plans to carry out the fourth part of his program. The article in the Joint Resolution annexing Texas which reserved to the United States the adjustment of all questions of boundary arising with other countries, furnish the opportunity.
(2)

In the meantime, upon the refusal of Mr. Rejon, the Mexican minister of Foreign Affairs, to honor the demand of Mr. Shannon to withdraw his notes of October 31st, and of November 6th, 1844, the latter had not only suspended all diplomatic intercourse between the two Republics in Mexico, but also had demanded his passports. Waddy Thompson, Shannon's predecessor, had tried the same policy, and judging correctly, his demands had not been granted. But with Shannon, the result was different and was what might have been expected under the stress of the relations between the two republics. Rejon gave him his passports and with them he attached a violent denunciation of the policy of the United States towards Mexico.

(1). Stanwood: History of the Presidency. Chap.

(2). J. B. Reeve: American Diplomacy under Tyler and Polk, Chap. XI.

Thus, having suspended diplomatic relations and obtained his passports, Mr. Shannon left Mexico, May 14th, 1845.

Moreover, since Mexico had given notice that the annexation of Texas would be regarded by her as the equivalent to a declaration of war, nothing was left for Almonte, the Mexican Minister, to do, if he was to preserve his own self-respect and the honor of his country, but to sever his diplomatic relations with the United States. This he did, leaving for Mexico on April, 3rd, 1845.

But upon the same vessel which carried Mr. Almonte home to Mexico on April, the 3rd, 1845, also went Dr. W. S. Parrott, a secret agent of the president of the United States who was to attempt to reopen diplomatic relations
(1)
between the two republics.

"Mr. Parrott's instructions were to reach the president and other high officials of the Mexican Government and especially the Minister of Foreign Affairs: and by every honorable effort to convince them that it was the true interest of their country to restore friendly relations between the two republics. Not until they had specifically consented to renew diplomatic relations should he disclose his official character."

While he should not conceal that the union of Texas with

diplomacy under Tyler and Polk.

the United States is decreed and cannot be abandoned, he was at liberty to state that it was his confident belief that concerning all unsettled questions the administration at Washington would meet Mexico in a liberal and friendly spirit.

He was to ascertain the cause of the Revolution of Mexico, the disposition of its chiefs toward the the United States, and whether the new Government would probably be permanent. (1).

Mr. Parrott, in his letter to Secretary Buchanan, dated May 13, 1845, and received July 2nd, 1845, stated that he was not able to get in touch with the officials of the Herrera Administration on account of British influences. He magnified and dwelt upon the great strength of the British influence and the danger of her seizure of Upper California.

However, by June, he managed to get into indirect communication with the Herrera Administration.

His letter of July the 12th, 1845 received September the first, stated that war with Mexico on account of Texas, was not probable and that the attitude of the people would not force the administration into war.

His letter of July 26th, received August 25th, stated

(1).--J. B. Moore: Works of J. Buchanan. Vol. VI. P. 132.
Instructions to Parrott, March 28, 1845.

that nothing but a good chastisement would render the United States secure against Mexico. (1)

In his letter of August the 29th and read in the Cabinet meeting of September 16th, said that he believed that there would be no declaration of war against the United States: that the Herrera Administration would be occupied in suppressing the revolution: and that a desire had been publicly manifested that a United States envoy would be received: that he believed Mexico desired the re-establishment of diplomatic relations between the two republics.

In these opinions Mr. Black, the United States Consul at Mexico, of date of August the 23rd, and Mr. Dimond United States Consul at Vera Cruz, of date of August 30th, concurred. (2)

On the same day that the dispatches of Mr. Parrott were read in the Cabinet, it was unanimously agreed that diplomatic relations ought to be reopened with Mexico. Owing to the fact that foreign ministers might take measures to thwart or defeat the objects of the mission, it was to be kept a profound secret.

In the same meeting, it was agreed that the Honorable

(1).--Reeves: American Diplomacy under Tyler and Polk.

Chapter XI. P. 270-1 .

(2).--Polk's Diary, Vol. I. Sept. 16th, 1845, P. 33-4

John Slidell of New Orleans, who spoke the Spanish language and was otherwise well qualified, should be tendered the mission. And if he accepted, he was to proceed to Vera Cruz without disclosing his official character. ⁽¹⁾

So far, it is evident that in carrying out his policy toward Mexico, the president had encountered no obstacles.

But since the meeting of the cabinet on the 16th of Sept. Mr. Buchanan received notice through the columns of the New Orleans papers that the president of Mexico, as late as August 21st., had issued a circular to the army, through his Secretary of War, breathing a war spirit, and that General Bustamante had been appointed Commander in Chief of the Mexican Army.

From the above communication of Mr. Buchanan it was left very uncertain whether Mr. Parrott and the American consuls were not mistaken concerning Mexico's willingness to receive a minister.

At the president's suggestion, the cabinet unanimously agreed to delay sending a minister to Mexico until the next arrival from Vera Cruz of a United States armed vessel which might bring more definite news. This action was to guard against the danger of having our minister rejected.

(1).--Polk's Diary, Vol. I. Sept. 16th, 1845. P. 33-4.

Furthermore, Mr. Buchanan was authorized to instruct Mr. Black, the United States Consul at Mexico City, to ascertain officially from the Mexican Government whether a minister would be received and to communicate the answer immediately to the Administration at Washington. It was also agreed that the President should write a confidential letter to Mr. Slidell notifying him of his intended appointment and requesting him to be ready to depart on one day's notice. (1)

During the latter part of September and the whole of Oct. the president pursued a policy of watchful waiting. Finally in the early days of November, Mr. Bancroft, Secretary of the Navy, called on the president with dispatches from Commodore Conner, commanding the Home Squadron in the Gulf of Mexico, to the effect that the Government of Mexico was willing to renew diplomatic relations, and to receive a minister from the United States. (2)

On the next day Mr. Buchanan called and the instructions which were to be given Mr. Slidell on the subjects of the boundary and the claims of the United States citizens against Mexico were agreed upon. (3)

(1).--Polk's Diary, Vol. I. Sept. 18, 1845.

(2).--Ibid, Vol. I. Nov. 6th, 1845. P. 91.

(3).--Ibid, Nov. 7th, 1845. P. 91.

At the cabinet meeting on the following day, the instructions were agreed upon and Mr. Trist, clerk of the State Department, began copying them.
(1)

Although Dr. Parrott's report was confirmed by the opinions of Mr. Black and Mr. Dimond, yet his work must not be overlooked. What he had done and his method in accomplishing it was no secret in Mexico.

A Mexican News paper, the El Amigo Del Pueblo, denounced the Herrera government as having engaged in a horrible treason. That it had been engaged in correspondence with the Yankee Parrott and the American Consul at Mexico.

It has been agreed with them for the loss of Texas, and Parrott has left for Washington to tell his government that Mexico will receive a commissioner to make a treaty with Mexico to surrender Texas and we know not what other part of the republic.

Parrott was a shameless sharper and adventurer, concluding with the statement that Parrott himself had disclosed the secrets just before leaving Mexico.
(2)

Dr. Parrott, having returned and called on the president on November 10th, and having assured the president

(1).-- Polk's Diary, Vol. I. Nov. 8th, 1845. P. 92.

(2).-- Reeves: American Diplomacy under Tyler & Polk. Chap. 11
Page 273.

that Mexico was willing and anxious to settle the pending difficulties between the two countries including those of the boundaries, Mr. Polk signed the commission of the Honorable John Slidell as Envoy Extraordinary and Minister Plenipotentiary to Mexico and sent his instructions by Lieutenant Lanier and Commodore Connor. (1)

Before entering upon a discussion of the instructions which were given to Mr. Slidell, let us pause to ascertain what ideas moved the president to dispatch to Mexico a representative clothed with such all inclusive powers.

"In a cabinet meeting, early in the Autumn of 1845, Mr. Polk stated that one great object of the mission would be to adjust a permanent boundary between Mexico and the United States, and that in doing this the Minister would be instructed to purchase for a pecuniary consideration Upper California and New Mexico. He said that a better boundary would be the Del Norte from its mouth to El Paso, in latitude about 32 degrees North, and thence West to the Pacific Ocean, Mexico ceding to the United States all the country East and North of these lines. The president said that for such a boundary the amount of money to be paid would be of small importance. He supposed it might be had

(1).--Polk's Diary, Vol. I. Nov. 10th, 1845. P. 93-4.

for fifteen or twenty millions, but that he was ready to pay forty millions if necessary. The cabinet unanimously agreed with him." (1)

On the ^{other} hand he also stated that "In the present crisis of the relations between the two countries, the office for which you have been selected is one of vast importance. To counteract the influence of Foreign Powers, exerted against the United States in Mexico, and to restore those ancient relations of peace and good will which formerly existed between the two governments and the citizens of the Sister Republics, will be the principal objects of your mission. The wretched condition of the internal affairs of Mexico and the misunderstanding existing between Mexico and France and England make the present moment propitious for the accomplishment of these objects." (2)

In considering the objects of Slidell's mission, one may wonder just how these two statements are to be reconciled. Even, after they are found to be compatible, if such could be the case, there still remains the question which one we are to accept as Mr. Polk's real policy concerning Mexico.

In considering their consistency, it certainly must

(1).--Polk's Diary, Vol. I, Sept. 16th, 1845. P. 33-5

(2).--J. B. Moore: Works of J. Buchanan Vol. VI. Instructions to Slidell, Nov. 10th, 1845, P. 294.

be admitted that they cannot be identical nor can the former be included within the latter. For Mexico, antagonized by the annexation of Texas, most assuredly would not consent, except under compulsion, to the surrender of any territory to the United States even for a money consideration.

As to Mr. Polk's real policy toward Mexico, there can be no doubt but that the former statement is the more correct one. There are at least two reasons for this assertion. In the first place, the fact that it is found only in his Diary, a source which more nearly represents the true feelings and ideas of a man than any public utterance could possibly do, should have more weight than the statement in Mr. Slidell's instructions. It is true that both were presented in the cabinet but the latter was sure to be published sooner or later while the publication of the former depended upon the will of the author.

In the second place, the former statement forms the basis for his subsequent policy and represents the goal toward which all his energies are directed.

Respecting the Texan boundary, the instructions to Slidell first dwelt upon the fact that the Joint Resolution of Congress, approved March first, 1845, for annexing Texas to the United States has reserved to this government the

adjustments of all questions of boundary that may arise with other governments. And in order to arrive at a just conclusion upon the subject, it would be necessary to state what were the present territorial rights of the parties.

That by the authority of Jefferson and Madison and the negotiations of Pinckney and Monroe, the right of the United States as far west as the Del Norte was vindicated.

Furthermore, by the Florida treaty of 1819, Spain was ceded all that part of Ancient Louisiana within the present limits of Texas. That Texas has extended her jurisdiction to the Del Norte and representatives from the territory between the Nueces and the Del Norte have participated in the Texan Congress and Convention.

With New Mexico it is different. It never has been and is not now under the jurisdiction of Texas. Owing to the upper part along the source of the Del Norte being remote, it will cost Mexico more to protect it from Indian attacks than it is worth.

It is greatly desired that our boundary with Mexico should be established in such a way, as to preclude all future boundary disputes between the two republics. Since a large part of New Mexico is on this side of the Del Norte and within the territory claimed by Texas, it will in all probability in

the future, should it remain a Mexican province, cause a dispute between Mexico and the United States.

On the other hand, if the United States can secure New Mexico, the danger of further collisions would not only be obviated but also Mexico would be benefitted on account of being relieved of the expense of defending it against Indian attacks.

A most agreeable boundary would be from the mouth of the Rio Grande up the river to where it touches the line of New Mexico, west of the river along the exterior line of that province and so as to include the whole within the United States until it again intersects the river, thence up the principal stream of the same to its source, thence due north until it reaches the 42 degree of North Latitude.

A boundary still preferable would be an extension of the line from the northwest corner of New Mexico, along the mountain range, until it intersects the 42nd parallel. But if Mexico should refuse to extend our boundary beyond the Del Norte, a line from its mouth to its source and then due north to the 42nd parallel will be satisfactory.

Thus Slidell had three alternatives to choose from respecting the conclusion of a boundary. He was to get as much of a concession as he could, but by all means to secure at

(1)
 least the Del Norte as the western limit.

Concerning the instructions relative to California, Buchanan stated that the subject was of vast importance to the United States and should demand particular attention. That the views of the Administration on the subject would be found in the dispatch to Thomas Larkin, the United States Consul at Monterey, dated October 17th, 1845, a copy of which was enclosed. From it he would see that while the Administration does not intend to interfere between Mexico and California, yet it would vigorously oppose any attempt of Mexico to permit it becoming a British or French province. He was to ascertain if Mexico intended ceding it to either nation and communicate freely with Mr. Larkin on the subject.

Mr. Larkin was an American Merchant at Monterey, and for some time had, in a small way, performed consular duties. From time to time he had communicated important political information to the State Department relative to California.

Mr. Larkin reported that the population was disloyal to Mexico and that Great Britain and France had designs upon the province. To frustrate such a movement, Lieutenant A. H. Gillespie of the Marine Corps was dispatched to Monterey with secret instructions.

(1).--J. B. Moore: Works of J. Buchanan, Vol. VI, Instructions to Slidell, Nov. 10th, 1845.

Owing to a dangerous trip through Mexico, Gillespie was compelled to destroy Buchanan's letter to Larkin, after he had committed the contents to memory. However, a copy of the same letter was intrusted to Commodore Stockton of the Pacific Squadron who, according to sealed instructions was to confere with Larkin, deliver Buchanan's letter, gain all the information he could on Mexican affairs and do all in his power to conciliate the people of California.

Polk's policy in reference to the acquisition of
 (1)
 California was outlined therein.

"In the contest between Mexico and California we can take no part unless the former should commence hostilities against the United States, but should California assert and maintain her independencē, we shall render her all the kind offices in our power, as a Sister Republic. This government has no ambitious aspirations to gratify and no desire to extend our federal system over more territory than we already possess, unless by the free and spontaneous wish of the independent people of adjoining territories. The exercise of compulsion or improper influence to accomplish such a result, would be repugnant both to the policy and principles of this government. But while these are the

(1).--Reeves: American Diplomacy under Tyler and Polk.

sentiments of the president, he could not view with indifference the transfer of California to England or any other European power. The system of colonization by foreign monarchies on the North American Continent must and will be resisted by the United States.

The President will not influence California to become an independent state, yet, if she should desire admission she will be received. Their true policy for the present in regard to this questions, is to let events take their course, unless an attempt should be made to transfer the Californians without their consent either to France or England. This they should resist with all their power because it would be ruinous to their best interests. The present dispatch is authority for your appointment as confidential agent in California. Be careful not to awaken the jealousy of English and French agents by assuming more than your consular character. Lieutenant Gillespie, a man in whom the president reposes entire confidence will soon arrive and will cooperate as confidential agent with you. It is expected that you will collect and communicate to this department all the information respecting California which may be useful or important to the United States.

(1)

(1).--J. E. Moore: Works of James Buchanan, Vol. 6.
Buchanan to Larkin, Oct. 17th 1845. P. 275

Continuing the instructions, Buchanan states that the possession of the bay and harbor of San Francisco was all important to the United States. If all of its advantages could be turned against us, by its cession to England, the consequences, on account of its commercial importance, would be disastrous.

Since the government of California was only nominally dependent upon Mexico it was doubtful if it would ever be reinstated. Under these circumstances, it was the desire of the president that he should use his best efforts to obtain its cession to the United states.⁽¹⁾

This idea is further corroborated by a conversation which took place between Benton and Polk at the Executive office late in October. In the course of the conversation Polk remarked that England had her eyes on that country, meaning California, and intended to possess it if she could. but that the people of the United States would not willingly permit California to pass into the possession of any new colony planted by England or any foreign monarchy, and that in reasserting the Monroe Doctrine, he had California and the fine bay of San Francisco as much in view as Oregon.

And in answer, Mr. Benton agreed that California ought not

(1).--J. E. Moore: Works of J. Buchanan, Vol. VI, P.304.
Buchanan to Slidell, Nov. 10th, 1845.

to be permitted to be colonized any more than Cuba or any other
 (1)
 American state.

From Slidell's instructions and Polk's conversation with Benton it would seem that the presidents' policy in respect to California was influenced primarily by the fear of British designs upon it. Whether this was his sincere conviction, we cannot prove or disprove but in all probability it was.

Since then, the evidence produced by the examination of the records of the British Foreign Office to 1850, proves that there were no British designs upon the acquisition of California. That the genuine and lively interest was among British agents. That these agents acted wholly without instructions to this purport from their government, and were either checked or removed for such slight openings as they effected. England's lack of interest in California was due to her indifference toward colonial expansion, lack of positive information, and the peculiarities of the Texas question.

Probably Polk's fears were enhanced by the later course of events when Parcedes, early in 1846, offered to transfer
 (2)
 California to England as Security for a loan.

(1).--Polk's Diary Vol.I P. 71. Oct. 24, 1845.

(2).--E. D. Adams, British Interests and Activities in Texas, 1838-46. Chap. XI.

Thus it is seen that Polk conducted a double policy with Mexico. On the one hand, an olive branch was held out to her in the form of a liberal offer to reopen diplomatic relations in a peaceful manner. On the other hand, he made it plain, that should the opportunity present itself, he would aid in her dismemberment.

Although it has been proven that he did not specifically instruct Fremont to seize California and that the seizure was on the initiative of the latter, ⁽¹⁾ yet, the instructions to Slidell, and Larkin, and Gillespie's mission are parts of his one general policy toward Mexico.

As we shall show, it was his policy to purchase California if peace continued. But if he failed in an attempt at purchase, California was to be assisted in securing her independence. However, war and not peace soon resulted and it was at its close that he was finally able to carry out his idea of its purchase.

Having shown the Policy of Mr. Polk concerning the Texan boundary and California, we shall now work out their relations with the claims of the United States citizens which he presented against Mexico.

Very fortunately, these claims were just what Polk

(1).---Schouler:History of the United States Vol. IV. P.532-3.

needed in carrying out his Mexican Policy. They furnished one of the spans of the bridge over the river of difficulty by the means of which he hoped to accomplish peaceful expansion. Then the Joint Resolution annexing Texas by which the United States was empowered to settle all questions of boundary arising with other countries, furnished the other and much lesser important span of the bridge.

Possibly Polk might have reasoned in this manner, as subsequent events prove that such was possible.

Here are the claims of American citizens against Mexico. They have been long standing and there is little hope of their collection within a reasonable time: there is the disputed Texan boundary which ought to be settled; Mexico is bankrupt and cannot possibly pay the claims in money. Since this is the case the only logical conclusion and practical way out of the dilemma is for the United States to assume the claims and shift the burden from Mexico by letting her pay in land. This she can easily do and receive no injury. Slidell shall be commissioned to reopen diplomatic relations with Mexico and an attempt shall be made to secure the acquisition in a peaceful manner under the pretext of resuming the former relations between the two republics. If the Texan boundary and the acquisition of California cannot be settled peacefully, then the resort to arms must be the last recourse.

Concerning the relation of the claims to the Texan boundary the instructions stated that the fact was too well known to the world, that the Mexican Government is not now in a condition to satisfy these claims by the payment of money. Unless the debt should be assumed by the government of the United States the claimants cannot receive what is justly their due. Fortunately, the Joint Resolution of Congress for annexing Texas to the United States presents the means of satisfying these claims in perfect consistency with the interests as well as the honor of both republics. Since to this government is reserved the right of adjusting all questions of boundary which may arise with other nations, a question of the boundary, may therefore, be so settled as to cast the burden of the debt due American citizens upon their own government, while there will be no injury to Mexico. In your negotiations with Mexico the independence of Texas must be considered a settled fact and not be called in question.

Animated by the desire of peace, the president desires to deal liberally with Mexico. You are authorized to offer to assume the payment of all the just claims of our citizens against Mexico and in addition pay 5 million Dollars if Mexico will agree to establish the boundary between the two countries from the mouth of the Rio Grande to the line of New Mexico,

west, then along the New Mexico line till the river is again intersected, up principal stream to its source thense due north to 42 degree of latitude.

If Mexico should refuse an extension of the boundary beyond the Del Norte, you may offer to assume the payment of the claims if she will agree to the Rio Grande from its mouth to its source, thense due north to the 42nd degree of latitude.

Mexico would hardly refuse five million dollars for a narrow strip of territory in the valley of New Mexico west of the Rio Grande, and thus place under two governments the inhabitants on either bank of the river.⁽¹⁾

"In respect to California, the instructions said, money would be no object when compared with the value of the acquisition. The attempt must be made with caution so as not to alarm the jealousy of Mexico.

After sounding Mexico on the subject, should you discover a prospect of success, the president will give in addition to the assumption of the just claims of our citizens against Mexico, twenty five million dollars for the desion. You are authorized to offer this sum for a boundary, running due west from the southern extremity of New Mexico to the Pacific Ocean or from any other point on its western boundary

(1).--James B. Moore: Works of J. Buchanan Vol.VI, Instructions to Slidell, Nov. 10th 1845.

which would embrace Monterey in our limits. If Monterey cannot be obtained, offer the assumption of the claims and twenty million dollars for a line so as to include the Bay and Harbor of San Francisco. The larger the territory south of the Bay, the better. The amounts above specified are maximums, and if you can accomplish either of the above objects with a less amount, so much better."⁽¹⁾

Although Mr. Slidell was specifically instructed concerning the relation which the claims should bear to the Texan boundary and to California. Polk also outlined and stated a general policy. First, it was stated that it would be Slidell's duty to impress the Mexican Government, in a friendly spirit, with a sense of their great injustice toward the United States, as well as our forbearance. However, this could not be expected to endure much longer, and the claims must then be speedily adjusted in a satisfactory manner. As a summary, it was stated that if he could accomplish any one of the specific objects which had been presented in the instructions he was authorized to conclude a treaty to that effect. But if he could not, he was to ask for further instructions. He was to bear and forbear much for the sake of accomplishing the great objects of his mission. The President was sincerely desirous of restor-

(1).--J. E. Moore: Works of J. Buchanan, Vol. VI. Instructions to Slidell, Nov. 10th, 1845.

ing the ancient relations of friendship with Mexico."(1)

So far, Polk was conciliatory and, as it seems, expressed himself as being sincerely desirous of peace. Slidell was to be very careful not to wound the Mexican vanity nor give them cause of suspicion nor jealousy. First, conciliatory measures were to be used and then if these failed, stronger ways for settlement must be found.

In the second dispatch, Polk manifests a nervousness to have the negotiations brought to a conclusion as soon as possible. He said it was because he desired to lay the result before congress by the end of the approaching session so that if it was a failure, more energetic measures could be adopted. (2)

In the third dispatch, Polk again endeavors to urge and impress upon Slidell the great importance of securing a part or the whole of California. That while either would be an advantage to us, Mexico would sustain no injury.

However, if the securing of California cannot be accomplished or if he should discover that the attempt would endanger the success of accomplishing the first objects mentioned, (that is to counteract foreign influence and restore peaceful relations with Mexico) he was not to sacrifice these in the pursuit of the unattainable. (3)

(1).--J. B. Moore; Works of J. Buchanan, Vol. VI, Instructions to Slidell, Nov. 10th, 1845. (2). Ibid. Nov. 19, 1845.
 (3).--Ibid. Dec. 17th, 1845.

This is the last attempt of the President to use conciliation and moderation, and urge upon Slidell to accomplish the first two objects stated in his mission. This is the turning point of the negotiations. Henceforth stronger measures must be resorted to. Although he professed a desire for peace, yet the tone of the instructions changed and Slidell should endeavor to impress upon the Mexican Government that trifling would soon have to be abandoned.

The reason for this change of attitude, arose no doubt from the fact that, before his next instructions, notification had been received from Slidell of Mexico's refusal to receive him.

In a dispatch of December 17th 1845, Slidell stated that in all probability, the Mexican Government would refuse
(1)
to receive him.

A little later in the same month, Slidell stated that he had been refused." That he felt sure if the United States should make any concession, if any American minister should present himself without an unqualified retraction, by whatever party may succeed in the present contest, of Mr. Pena's note of the twentieth, he would come on a bootless errand." The desire of our government for peace would be

(1).--House Ex. Doc. 60, 30th Cong. first Sess. Slidell to Buchanan, Dec. 17, 1845.

taken for timidity, the most extravagant pretensions would be seized upon, until the Mexican people would become convinced, by hostile demonstrations, that our differences must be settled promptly either by negotiations or by the sword.⁽¹⁾

Therefore, in the next instructions, Slidell was told that, if Mexico should finally refuse to receive him the United States would be compelled to take the redress of the wrongs of her citizens in her own hands. "

"He should conduct himself so as to throw the cause of the failure of his mission upon Mexico. He should so act as to cause the American people to be unanimous in redressing the wrongs of the claimants. It seemed to be Mexico's⁽²⁾ desire to confine the negotiation to Texas alone. But this could not be tolerated. The two subjects must go hand in hand. They can never be separated." It is evidently with the view of thus limiting your negotiation that the Mexican authorities have been quibbling about your credentials without even asking whether you had full powers to adjust the Texan boundary.⁽²⁾

After having discussed the relation of the assumption of the claims to the Texan boundary and to California at so

(1)--House Ex. Doc. 60, 30th Cong., 1st Sess. Slidell to Buchanan. Dec., 27, 1845. (2)--J. B. Moore: Works of James Buchanan. Vol. VI. Buchanan to Slidell. Jan. 20, 1846.

much in length and detail, let us turn for a few moments and determine what claims were to be included in the assumption by the United States.

In the first instructions Mr. Slidell was authorized to assume the payment of all the just claims of our citizens against Mexico. ⁽¹⁾

A little later he is informed that if it should be necessary to insist on Mexico ratifying the Amended Convention of November 20th 1844, it ought to be so modified as to include all the claims of American citizens which were not decided upon by the Commission of 1840-42, down to the date of its ratification. ⁽²⁾

In the middle of December the just claims alluded to in the former instructions were interpreted as not to include claims rejected by the Commission of 1840-42, or any claims which would not be included in the unratified Convention of November 20th 1844 and subsequent claims arising down to the date of its ratification as amended by the Senate. ⁽³⁾

It may be interesting to notice here that although the Administration professed itself as perfectly willing to assume all the claims of United States citizens against Mexico, yet,

(1) -J. B. Moore: Works of James Buchanan. Vol. VI. Buchanan to Slidell. Nov. 10, 1845. (2)--Ibid. Buchanan to Slidell. Nov. 19, 1845. (3)--Ibid. Buchanan to Slidell Dec. 17, 1845.

in the final treaty of peace the payment of claims amounting to only \$3,250,000 were guaranteed. Inasmuch as the unsettled claims of the Commission of 1840-42 were declared valid by the reports of the Committees of the House and Senate, it remains that the subsequent claims presented, amounting to \$2,200,000 were either trumped up or that the United States Government acted in bad faith toward its citizens.

Although Slidell had been refused recognition by Herrera, and now since January 3rd 1846, Parcedes, leader of the revolution and more hostile than the former Administration, also refused to receive him, yet the latter still prolonged his residence in Mexico. The reasons for this action are not hard to discover.

In the first place, Slidell still held out some hope to the Administration at Washington that Parcedes might receive him. He stated that Parcedes' greatest difficulty was in respect to the bad state of the finances. He could not see where the money could possibly be found to meet the Government expenses. The annual expense of the army was \$21,000,000, while the annual revenue was but \$12,000,000. And besides the public debt was almost \$150,000,000. The idea of Mexican credit, he said, can be ascertained when the best securities are worth only 25¢ on the dollar.

No capitalist will loan the government money and the revenue is pledged in advance. The troops must be paid or they will revolt.
(1)

With Parcedes in such a dilemma, Polk still believed in and hoped that the acquisition of new territory might be peacefully made. Therefore he wanted Slidell to remain in Mexico and satisfy America that all had been done that could have been done under the circumstances. "It would be an easy matter, he said, to discreetly inform Parcedes that the United States were both ready and willing to relieve his Administration from pecuniary embarrassment, if he would settle the boundary in a satisfactory manner. While the treaty was being ratified Parcedes could be paid immediate funds on such an assurance."
(2)

Also, on the other hand, there was the Oregon question which was rapidly approaching in crisis. Slidell was informed that by the steam packet leaving Liverpool on April 4, that decisive information on the Oregon question would be received. The prospect was that it would be peacefully settled, yet, it was not certain. That his return to the United States before the result was known would alarm the public and possibly exer-

(1).--House Ex. Doc. 50, 30th Cong. 1st Sess. Slidell to Buchanan, Jan. 14th, 1846. (2).--J. B. Moore; Works of J. Buchanan Vol. VI, Buchanan to Slidell, March 12th, 1846.

cise an injurious influence on the relations of the United
 States with England. (1)

By this time, Polk no doubt perceived that Slidell's mission was a failure, and had resolved on aggressive measures. But for a time at least his plans were thwarted by the Oregon question. It was an unwise policy to think of being engaged in two wars at the same time, so the only thing that he could do would be to defer the Mexican war which he felt was inevitable until the Oregon question was out of the way. This was what he did and as soon as he felt sure that the danger of war with England was passed, his war message was being prepared one week before Mexico's attack upon Taylor placed the responsibility upon the former.

Therefore, in order not to precipitate a war immediately upon Mexico's refusal to receive Slidell, Mr. Polk desired Slidell to play for time and not absolutely end all negotiations at once, but to delay until the Oregon question was settled.

Further proof that Slidell's mission was for the purpose of securing California is furnished by Polk's intrigue with Santa Anna.

Colonel Atocha, Santa Anna's representative, in an inter-

(1).--J. B. Moore; Works of J. Buchanan Vol. VI, Buchanan to Slidell. March 12th 1846.

view with Polk[†] early in February 1846, stated that Santa Anna favored a treaty with the United States and that in adjusting a boundary between the two countries the Del Norte should be the western Texas line and the Colorado of the West down through the Bay of San Francisco to the sea should be Mexico's line on the North. That Mexico should cede all territory North and East of this line to the United States for 30 million dollars.⁽¹⁾

Although in a cabinet meeting which occurred during Col. Atocha's stay in Washington, Polk disclaimed any intention of sending a special messenger to confer with Santa Anna, yet, he was sufficiently interested to suggest Mr. Van Ness, former Minister of Spain, as the most suitable agent.⁽²⁾

On the following Monday, according to the agreement Atocha again interviewed the President and said further that Mexico must be forced to settle the claims and advised the advance of the American Army to the Rio Grande and the assembling of a strong fleet before Vera Cruz. That Slidell should go aboard a United States vessel and from there demand the payment of the claims. That things would be so that Santa

(1).--Polk's Diary, Vol. I, Feb. 13th, 1846.
 (2).--Ibid. Feb. 14th, 1846.

Anna could return to Mexico in April or May. That Parcedes must have money to sustain himself. And that Gen. Arista favored the treaty of annexation.⁽¹⁾

In the regular cabinet meeting the next day, Polk favored a strong policy toward Mexico; Slidell to again demand his reception, and payment of the claims. In case either demand was refused, the president should send a message to Congress urging aggressive measures. And Buchanan was instructed to prepare instructions accordingly.⁽²⁾ But for some reason the instructions were never sent and the modified instructions of March 12th, were sent instead.

Slidell having sailed for the United States before Buchanan instructions reached him authorizing him to sound Parcedes on the finances of Mexico and to assure him of the willingness of the United States to relieve him of his financial embarrassment in return for a boundary settlement, no further proposals were made by Polk to Parcedes. Polk had Santa Anna in mind and based his hope upon that exile's return to power.

Assuming that Slidell's mission was a failure, Polk began urging Congress to take aggressive measures toward Mexico taking certain members of the House and Senate into his

(1).--Polk's Diary, Vol.I. Feb. 16th, 1846.

(2).--Ibid.Feb. 17th, 1846.

confidence. However, on account of the Oregon Question, congress and the Cabinet were reluctant to act. The Oregon Question, reaching an adequate solution by April 28th, 1846, the Cabinet prepared to back aggressive measures ⁽¹⁾ toward Mexico.

Having in mind Colonel Atocha's proposal concerning California, two days ^{after} his war message, Bancroft sent the following order to Connor, commander of the naval forces in front of Vera Cruz: "Do not obstruct the passage of Santa Anna into Mexico should ~~he~~ a ttempt to return."

Further basing his hopes for the acquisition of California upon Santa Anna, about a month later, Polk dispatched Alexander Slidell McKenzie to Havana not only to ascertain if any Mexican privateers had been commissioned to cruize against American commerce but also to ascertain if Santa Anna still favored peace with the United States, and whether if restored to Mexico, there was a reasonable probability that he would make peace. Having in mind Atocha's proposals it is deemed that by Peace, Polk meant a peace similar to the one which Santa Anna had signified as favoring, early in February.

Although McKenzie, in his interview with Santa Anna relates Polk's message to Santa Anna, Polk maintains that he gave

(1) .--J. S. Reeves: American Diplomacy under Tyler and Polk.
Chap.XII. P. 294-6.

McKenzie no written instructions. Polk admits, however, that McKenzie's statement is based upon the remembrance of a conversation which he had with him concerning the object of the latter's visit to Havana. (1).

In McKenzie's instructions Polk states that no indemnification for the expenses of the war will be demanded, but having obtained full recognition of the claims due American citizens, he will pay liberally for the establishment of a permanent boundary which shall include at least a part of California. (2)

Thus after careful study, it is believed that Slidell's instructions which of course must necessarily include those of Dr. Parrott, tend to prove the assertion that the Mexican war was not the result of the dispute over the Texan boundary but that it was the result of the outgrowth of Polk's policy in respect to California.

If there had been no claims of citizens of the United States against Mexico or if Mexico had been a strong government and able to maintain her authority over her outlying provinces, Polk would have looked ~~like~~ the opportunity of secur-

(1).--Polk's Diary Vol. III. Jan. 8th, 1848, Pages 289-291.

(2).--J. S. Reeves American Diplomacy under Tyler and Polk Chap. XII. P. 301-2.

ing California either by peaceful negotiations or by war. For the claims furnished the platform upon which he based his policy and the bankruptcy and weakness of the Mexican Government enabled him to realize his policy by the sword when peaceful negotiations had failed.

Polk had his heart set upon the acquisition of California. Although Slidell's instructions stated that his mission was to counteract foreign influences in Mexico and reopen diplomatic relations with the republic to the south, yet, Polk had stated early in September in a cabinet meeting, as we have stated before that the great object of Slidell's mission would be to secure California.

Since Mexico was bankrupt and could not pay the claims, a logical way out of the difficulty would be for the United States to assume them and then let Mexico pay in land. But Mexico refused to do this. She was willing to treat concerning Texas but refused to consider the claims at that time. Polk, however, insisted that both must be considered together and refused to negotiate concerning Texas alone. He could not do otherwise unless he gave up the idea of securing California. For if he consented to negotiate concerning Texas alone and leave out the question of the claims, upon which all hopes of securing California peacefully were predicated, his major

policy would have to be abandoned. Although we have not been able to determine just what part the invalid claims which Slidell presented, played in the negotiations, yet, we feel confident in asserting in conclusion that the relation which the claims as a whole bore in the negotiations is to be found in these sentences: "It seems to be Mexico's desire to confine the negotiations to Texas alone. But this cannot be tolerated. The two subjects (meaning the claims and Texas) must go hand in hand. They can never be separated."⁽¹⁾

Mexico, it appeared, was perfectly willing to negotiate on the subject of Texas.⁽²⁾ But Polk demanded the consideration of the claims as a sine qua non of any negotiation. While Mexico, with equal obstinacy, refused their consideration until the Texas question was satisfactorily disposed of.⁽³⁾

The office of the claims, then, was to disrupt the negotiations and lead the sister republics into war.

(1).--J. F. Moore: Works of J. Buchanan, Vol. VI, Buchanan to Slidell Jan. 20th, 1846.

(2).--House Ex. Doc. 60, 30th Cong. 1st Sess. Pena Y. Pena to Slidell, Dec. 20th, 1845.

(3).--Ibid.

Chapter III.

THE REASON WHY SLIDWELL WAS NOT RECEIVED.

In the preceding chapter, it was within our province to show what relation the claims of the United States citizens against Mexico bore to the president's negotiations for the Texan boundary, for the acquisition of California, and also the subtle and underlying position which they held in causing the Mexican War.

In this chapter it will be our task to relate, in a rather detailed manner, the reasons, appearing on the surface and including the statements of the Mexican Government itself, which led the respective administrations of Herrera and of Parcedes to refuse to receive Mr. Slidell, as the Minister Plenipotentiary of the United States.

The president and the cabinet, being unconvinced of Mexico willingness to receive Slidell and also to avoid having him rejected, agreed that Mr. Black, the United States Consul at Mexico should ascertain officially whether Mexico would receive a minister from the United States.

At the same meeting it was agreed that the president should write a confidential letter to Mr. Slidell notifying him of his intended appointment and requesting him to be ready to depart at any time. (1)

In accordance with the cabinet agreement, Buchanan instructed Mr. Black that "Since information had been received from him and others that Mexico would probably consent to the renewal of diplomatic relations and since the president desired that all differences should be settled by negotiations and not by war, he was instructed to officially ascertain from the Mexican Government whether she would receive an envoy from the United States empowered to settle all questions of dispute between the two republics. His proceedings were to be secret, being only known to Dr. Parrott.

As soon as he received an answer he was to send a copy of it to the State Department and also one to Mr. Dimond, the United States consul at Vera Cruz. (2)

A month later Mr. Black sent a letter to Mr. Buchanan informing him that after a private interview with Mr. Pena Y Pena, the Mexican minister of Foreign Affairs on the evening

(1).--Polk's Diary, Vol. I. Sept. 17, 1845.

(2).--House Ex. Doc. 60, 20th Cong. first Session, Buchanan to Black, Sept. 17, 1845.

of October 11th, he had handed him the communication on the 13th, and on the 15th at Pena Y Pena's residence had received the latter's written reply which was as follows: "That he had submitted Mr. Buchanan's confidential letter to his government and in answer would say that although Mexico felt injured by the course taken by the United States in the Texas affair, yet, Mexico would receive the commissioner of the United States who may come to the Capital with full powers from his government to settle the present dispute in a peaceful reasonable, and honorable manner." By this act, Mexico would prove that though injured she would respect the measures of peace offered by her adversary. He hoped that the commissioner would be a man of such a character as to soothe the just irritation of the Mexican people as much as possible and thereby enable peaceful means to be effected. However, a measure indispensable for the reception of such a commissioner must be that of the withdrawal of the whole naval force of the United States before Vera Cruz." (1)

In a letter to Buchanan in the middle of December, Black stated that being informed by the American consul at Vera Cruz of Slidell's arrival at Sacrificos, he had called on the

(1).--House Ex. Dec. 60, 30th Cong. 1st Sess. Black to Buchanan Oct. 17, 1845.

Minister of Foreign Affairs and on being shown up to the president's office he was met in the hall by Mr. Pena Y Pena who accsted him and said that the Mexican Government was surprised at the arrival of the commissioner of the United states and asked him who he might be and what he had come for? To this he replied that he supposed that it was the envoy which the Mexican Government had agreed to receive.

Mr. Pena Y Pena then replied that an envoy from the United States was not expected until January, as they were not prepared to receive him. Mr. Pena Y Pena further asked that he endeavor to prevent him coming to the capital and even from disembarking at that time because the envoy's appearance would prove destructive to the government and defeat the whole matter. That the opposition was calling the Government traitors for consenting to reopen negotiations. That he knew that there was no time set for the Envoys coming, but from conversation with Mr. Black and others he was led to believe that the envoy would not start until after the meeting of Congress which would not occur until after the first of December. That the Government was ready to enter upon negotiations but if it was commenced now, its existence would be endangered. The Government expected to have the opinion and consent of the departments by January and would then be able to proceed with more security.

The appearance of the Envoy at his time would cause a revolution against it which might prove destructive. (1)

Slidell, in writing to Buchanan describes the Council of Government, to which Pena Y Pena submitted the subject of Slidell's reception, as a permanent body whose members were not removable by the president. Its function, except in certain cases, were only advisory--and these exceptions did not apply to foreign relations. The president did not consult it concerning the reopening of negotiations with the United States and the submission to it regarding Slidell's reception was wholly a favor. Several of its members were in open opposition to the Administration and were endeavoring to overthrow the Government by revolution. (2)

Mr. Pena Y Pena, in inviting the Council's opinion on the subject gave these reasons why Slidell should not be received:
I.--The mission of this commissioner had degenerated substantially from the class proposed by the United States and accepted by Mexico.

II.--If we could receive the Commissioner in the character in which he presents himself there would follow the erroneous presumption that the relations between the United States and Mexico remain free and open.

(1).--House Ex. Doc. 60, 30th Cong. 1st Sess. Black to Buchanan Dec. 18th, 1845.

(2).--Ibid. Dec. 17th, 1845.

III.--Should he be received in the character in which he presents him self, it would appear to the world that he had been received as a regular minister despite our protests that he was not but only a commissioner to settle the Texas didpute.

IV.--Although it may be a maxim that war itself is not a sufficient reason for refusing a minister from an enemy, yet, Mexico's rights would be absorbed and silenced if a common Plenipotentiary, was admitted.

V.--An American minister establishing his residence in Mexico should not be received until the Texas question is settled satisfactorily to Mexico.

VI.--Slidell's appointment was not concurred in by the Senate and thus was not legal.

VII.--It was the right of every government to assure itself of the persons and powers of the ministers with whom it was to enter upon negotiations.

That Slidell should be admitted so soon as the conditions wanting in his instructions were complied with.

Mr. Pena & Pena, in reply to Slidell's note of December 8th, announcing his arrival and requesting an interview in order to present his credentials, copies of which were

(1).--House Ex. Doc. 60, 30th Cong. 1st Sess. Pena & Pena to Council of Government, Dec. 11, 1845.

enclosed, stated the reasons why he would not be received.

That the proposition of the United States as well as its acceptance rested upon the precise and definite understanding that the commissioner should be AD, HOC, that is to say, commissioned to settle, in a peaceful and honorable manner, the questions relative to Texas. This had not been done as Slidell had come with absolute and general functions of a Minister Plenipotentiary to reside near the Mexican Government. If Slidell was admitted in this character, it would be believed that henceforth the relations between the two republics were open and frank which could not be until the Texas question was settled.

Although his credentials state that he is informed of the president's desire to restore, cultivate, and strengthen the friendship between the two republics, yet, the word restore is not sufficient to give Mr. Slidell the special character of a Commissioner Ad Hoc--concerning Texas. Mr. Slidell is too enlightened not to see that his instructions do not definitely direct him to the business for which he was appointed. Before a minister residing in Mexico could be received the Texas must be satisfactorily settled. Until Mr. Slidell's instructions are changed so as to empower him to treat concerning Texas alone and specifically, he could not be

(1)
 received. On the same date, Mr. Pena Y Pena communicated
 to Mr. Buchanan practically the same reasons for Mexico's re-
 fusal to receive Slidell as he had to Mr. Slidell, Himself. (2)

From the above accounts it is seen that the reason why
 Slidell was not received by the Herrera Government arose
 mainly from the fact that he came as a regular minister instead
 of a special commissioner to negotiate concerning Texas alone.

Although Slidell was not received by Mexico while she
 was under the dominence of Herrera, yet, following the later
 instructions of Mr. Buchanan that the people and Congress might
 not approve the course of the Administration of war was declared
 unless it could show that all peaceful attempts at settlement
 had failed, he presented the request to the Parcedes Administra-
 tion on March 1, 1846, for the opening of negotiations between
 the two republics under the same character as he had proposed to
 Herrera. (3)

But the new Administration replied that it could not re-
 ceive him as Envoy Extraordinary and Minister Plenipotentiary
 to reside near it. By the attitude of the United States in
 annexing Texas, Mexico had been despoiled, outraged, condemned

(1).--House Ex. Doc. 60, 30 Cong. 1st Sess. Pena y Pena to
 Slidell, Dec. 20th, 1845. (2).--Ibid.

(3).--Ibid. Slidell to Don J. Castillo, March 1st, 1846.

and now the former was attempting to subject her to a humiliating degradation. The reasons why Slidell had not been received by Mexico as were stated in Pena Y Pena's note of Dec. 20, 1845, were conclusive. According to the proposals accepted by the Foreign Minister of Mexico in October 1845, it was clear that it was Mexico's intention to admit only a plenipotentiary of the United States clothed with powers Ad Hoc--treat on the subject of Texas alone, which should be a preliminary for the reopening of friendly relations between the two republics. To admit an ordinary ^{minister} would be an acknowledgment that the Texan question was settled and the friendly relations between the two nations were established. If the United States was moved by the good faith and sincere motives which are set forth, why has she refused to change Slidell's instructions to conform with Mexico's demands. Upon this point the resolve of the Mexican Government is immutable. Mexico desires peace but if it cannot be maintained honorably, she is not afraid of war and will call upon her citizens to defend sacredly their country. Mexico's attitude is one of defense because she is unjustly attacked, because a portion of her territory has been despoiled.

If war should come the responsibility will not fall on Mexico but upon the United States. It is, therefore, upon the

United States, and not upon Mexico, that it devolves to determine in the alternative presented by Mr. Slidell--that is, (1) between a friendly negotiation and an open rupture.

After quoting the correspondence passing between the Mexican Minister on the one hand and the United States on the other, Slidell held that argument and illustration would be superfluous to show that the offer of the United States was accepted by Mexico without any other condition or restriction than that the whole naval force then lying before Vera Cruz should be removed. "And that condition had been promptly complied with. The undersigned would not do his excellency the injustice to suppose that any reliance was placed by the latter on the mere verbal distinction between the terms Envoy and commissioner, when the proposition of the United States and the acceptance of his Excellency, alike, contemplated the appointment of a person entrusted with full powers to settle the question in dispute. Indeed his Excellency admitted that the title of the diplomatic agent was of no importance, by using the words commissioner and Plenipotentiary Ad Hoc, as convertible terms.

Mexico openly accepted the proposition of the United States, if Mexico had intended to qualify or restrict the acceptance of the proposition it should have been made clear so as to give rise to no misunderstanding.

(1).--H. Ex. Doc. 60, 30th Cong. 1st S. Castillo to Slidell, March, 17, 1846.

In reply to the statement that the clause: It is the president's desire to restore, cultivate, and strengthen the friendship and good correspondence of the two countries." The word "restore" was not strong enough to give the undersigned the character of Plenipotentiary Ad Hoc, was that his instructions were large enough to embrace all questions of dispute including that of Texas.

It was unusual for a minister to show his powers before he was accredited. The Mexican Government had no right to dictate to the United States, after formally accepting her proposition, the rank and title of their diplomatic agent nor the precise form of his credentials.⁽¹⁾

From the foregoing interpretation it is clear that, on the surface at least, Mexico's refusal to receive Slidell turned upon the capacity in which he came, whether a regular Minister or a special commissioner to treat concerning Texas alone.

As we have reviewed the interpretations of three parties on the subject, let us turn back and examine the proposition and its acceptance as they really were and then determine the status of the refusal.

Mr. Black, having secured an interview with Mr. Pena Y

(1).--House Ex. Doc. 50, 40th Cong. 1st Session. Slidell to Pena Y Pena, Dec. 24th, 1845.

Pena on the evening of Oct, 11, 1845, in which he informed the Mexican Minister concerning the substance of his instructions from Washington, Mr. Pena Y Pena invited him to submit in writing what he had communicated verbally.

Conforming to this request, Mr. Elack communicated the following part of the instructions from the Secretary of State:

"At the time of the suspension of the diplomatic relations between the two countries. General Almonte was assured of the president's desire to adjust amicably every cause of complaint between the two Governments and to cultivate the kindest and most friendly relations ^{between} the two republics. He still continues to be animated by the same sentiments.

He desires that all existing differences should be terminated amicably by negotiation. Actuated by these sentiments, the president has directed me to instruct you, in the absence of any diplomatic agent in Mexico, to ascertain from the Mexican Government whether they would receive an Envoy from the United States entrusted with full power to adjust all questions in dispute between the two governments. Should the answer be in the affirmative, such an Envoy will be immediately dispatched
(1)
to Mexico.

(1).-- House Ex. Doc. 60, 30th Cong. 1st Session, Elack to Pena Y Pena, Oct. 13th, 1845.

Mr. Pena Y Pena, in reply to the above communication stated that he had informed his government concerning the private conference which occurred on the evening of the 11th.

"That although the Mexican nation was deeply injured by the United States in annexing Texas which belongs to Mexico, yet his government was disposed to receive the commissioner of the United States, who may come to this 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~~, ~~it~~ it does not repel with contempt the measure of reason and peace to which it is invited by its adversary. That Mexico hopes that the commissioner will act with such dignity, prudence, moderation, and discreetness in his proposals as to soothe the just irritations of the Mexicans and persuade them that they may obtain satisfaction for their injuries by reason and peace instead of by the means of war. Mexico requires above all things that the mission of the commissioner should appear always frank and open and free from any signs of coercion. To this end it should be impressed upon your government, Mr. Consul, that as Mexico has agreed to receive the commissioner, it is indispensable that the whole naval force

Of the United States lying off the port of Vera Cruz must be recalled. Its presence would degrade Mexico, while she is receiving the commissioner, and would justly subject the United States to the imputation of contradicting by acts the vehement desire of conciliation, peace, and friendship which is professed and asserted by words. " (1)

Mr. Garrison says that Slidell should have been received and it was the fact of the insecurity of the Mexican Government whose existence was controlled by public feeling that caused the refusal. Moreover the reasons given by Mexico were not valid. Far better would it have been to have clearly refused than to have hidden behind trumped up reasons and endeavored to exclude the claims from the negotiations. (2)

John Slidell's reception turned upon the capacity in which he presented himself to Mexico. The point was that although Mexico was willing to receive a commissioner to treat concerning Texas, she was not willing to receive a regular minister to reside in Mexico and handle the regular business. A commissioner would be empowered to negotiate only on a specific subject while a minister would have authority to negotiate on all questions arising between the two nations.

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- (1).--H. Ex. Doc. 60, 30th Cong. 1st Sess. Pena Y Pena to Black, Oct, 15th, 1945.
 (2).--J. P. Garrison's Westward Extension, A. H. S. Vol. XVII Chapter

Moreover, Mexico through pride could not receive a minister because by so doing she would acknowledge that her notice, that the annexation would be equivalent to war, was only a bluff. It is a conjecture why Polk decided sending a minister instead of a commissioner.

Nothing would have been sacrificed by sending the latter
(1)
in place of the former.

Furthermore the Mexican Government was in constant danger of dissolution and desired delay that they might better secure peace. The effect of Slidell's haste was to defeat the peaceful intentions of Mexico and hurried it to an abrupt denial of the American Minister. The ground for Slidell's refusal was that he was an ordinary Envoy instead of a commissioner to settle the specific dispute of Texas.

The diplomatic correspondence proves conclusively however, that fear of impending revolution, as the consequence of negotiating with the United States, was hurried to a premation
(2)
crisis by the untimely importunities of Mr. Slidell.

(1).--J. S. Reeves: American Diplomacy under Tyler and Polk
Chap.XI. P. 280-82.

(2).--Edeard O. Mansfield's History of the Mexican and its Brigin.

Having the proposition made by Mr. Black and its acceptance by Mr. Pena & Pena before us it is well that we notice that in the proposal of the United States the term "question of dispute" ^{is} ~~are~~ used while in the acceptance by Mexico the term "present dispute" is used thus indicating that no doubt Mr. Polk meant all questions which were in dispute including ~~those~~ of the claims of the United States citizens against Mexico. But no doubt Mexico meant the subject of Texas alone.

There is no doubt but that both nations based their positions upon mere technicalities in the interpretation of the agreement. But whatever, their respective arguments and although we are always by nature, inclined to deal justly with our native country, yet, we are compelled to admit that on this point Mexico had the better side of the argument. We must remember that by the convention of January, 30th, 1843, the payment of the claims ~~was~~ provided for. Although the installments had not been paid according to the agreement, yet, it was not on their account that diplomatic relations had been broken off. Mexico had failed to meet the payments but peaceful negotiations had continued. It was on the subject of Texas

that negotiations had been suspended. Texas and not the claims was the subject of dispute. How then could Polk include questions of dispute when Texas was the only question of dispute. Furthermore it would seem that she could not with honor and dignity receive a Minister Plenipotentiary or a regular Minister until a special commissioner had come and satisfactorily settled the dispute concerning Texas. This being done then she could admit a regular Minister to negotiate on the subjects of peace which would of necessity include the subject of the claims.

The administration at Washington and Mr. Slidell use the terms Envoy Extraordinary, Minister Plenipotentiary and Commissioner interchangeably indicating that they were understood to be the same in meaning. Whether his use of the terms was negligent or intended to be misleading, it is well known that they do not mean the same but that a Commissioner is much more limited and narrow in its meaning than the others. Slidell charges Mexico with the use of the terms interchangeably but in the acceptance of the proposal of the United States, we find that the general terms do not appear at all but that the term commissioner appears six times thus giving proof that Mexico knew the difference and meant commissioner and not minister.

A problem had presented itself of why and for what reason did Polk insist on sending a minister instead of a commissioner.

If the various terms which he used meant the same as Mr. Slidell indicated, why was not the request of Mexico granted and Mr. Slidell recommissioned as a commissioner in the place of a Minister. Nothing would have been lost by sending a commissioner in the place of an Envoy.

Polk's action appears in no other light than that he knew that a commissioner meant a commissioner Ad Hoc--to treat concerning Texas alone. To negotiate concerning Texas alone would result in leaving out the consideration of the claims. If the claims were left out of the negotiation all hopes of securing California for the present and possibly during his term of office would have been lost. If the Texas question was settled peacefully and in all probability it could be without the claims, he knew that the sentiment of Congress and of the people would not back him in acquiring California through the claims when such a course was so bitterly opposed by Mexico.

But in making Texas the issue he judged correctly in relying upon the support of the people.

On the other hand the fact that the Mexican Government was weak and unstable and rested upon public feeling, in a large degree, must not be overlooked in considering Mexico's refusal to receive Slidell.

It must be remembered that Pena Y Pena endeavored to prevent Slidell from coming to the capital until January on account of the fear that his coming would cause a revolution.
(1)

But then the attitude of the people resulted from the fact that the true nature of Slidell's mission had been noised abroad by Kr. Parrott on the eve of his departure for the United States, in addition to that of negotiating concerning Texas.
(2)

To the remark that Mexico must satisfy the claims of the United States citizens against Mexico and that of Mexico had any proposition to make, such as was suggested, it would be considered when made, Colonel Atocha said "that no government or Administration in Mexico dared to make such a proposition for if they did so there would be another revolution by which they would be overthrown."
(3)

(1).--House Ex. Doc. 60, 30th Cong., 1st Sess. Black to Buchanan Dec. 18, 1845. (2).--J. S. Reeves: American Diplomacy under Tyler and Polk Chap. XI. (3). Polk's Diary Vol. I. Feb. 16. Polk's conversation with Atocha.

Furthermore, inasmuch as Mexico more than once signified her willingness to negotiate concerning Texas alone,⁽¹⁾ it is evident that the sentiment of the people was not against all negotiation but against the consideration of new subjects, thus giving a new proof that the claims played the leading role in the cause of Slidell's rejection.

The claims of citizens of the United States against Mexico, then, as was stated in the preceeding chapter, was the real cause of Slidell being refused and of the Mexican war. And Mr. Slidell was not received because Polk insisted that the claims and Texas must go hand in hand, that they must be considered together in order that the claim might be used as a means of securing California. While Mexico persistently maintained that he must come to treat concerning Texas alone, in order that she might evade the demand for the cession of more territory to satisfy the claims. While this was the real issue the nominal issue turned upon the capacity in which Slidell came--as a regular Minister to negotiate on all subjects rather than as Commissioner Ad Hoc.

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