

APPENDIX I: General Scott's Martial Law Order, Published in City of Mexico

HEADQUARTERS OF THE ARMY

NATIONAL PALACE OF MEXICO, September 17, 1847.

[General Orders, No.287.]

The General-in-Chief republishes, with important additions, the General Orders, No. 20, of February 19, 1847 (declaring martial law), to govern all who may be concerned.

1. It is still to be apprehended that many grave offences, not provided or in the act of Congress "establishing rules and articles for the government of the armies of the United States," approved April 10, 1806, may again be committed-by, or upon, individuals of those armies in Mexico, pending the existing war between the two Republics Allusion is here made to offences, any one of which, if committed within the United States or their organized Territories, would, of course, be tried and severely punished by the ordinary or civil courts of the land.
2. Assassination, murder, poisoning, rape, or the attempt to commit either; malicious stabbing or maiming; malicious assault and battery, robbery, theft; the wanton desecration of churches, cemeteries, or other religious edifices and fixtures; the interruption of religious ceremonies and the destruction, except by order of a superior officer, of public or private property, are such offences.
3. The good of the service, the honor of the United States, and the interest of humanity imperiously demand that every crime enumerated above should be severely punished.
4. But he written code, as above, commonly called the Rules and Articles of War, does not provide for the punishment of any one of those crimes, even when committed by individuals of the Army upon the persons or property of other individuals of the same, except in the very restricted case in the 9th of those articles; nor for like outrages committed by the same class of individuals upon the persons or property of a hostile country, except very partially in the 51st, 52d, and 55th articles; and the same code is absolutely silent as to all injuries which may be inflicted upon individuals of the Army, or their property, against the laws of war, by individuals of a hostile country. [581]
5. It is evident that the 99th article, independent of any reference to the restriction of the 87th, is wholly nugatory in reaching any one of those high crimes.
6. For all the offences, therefore, enumerated in the second paragraph above, which may be committed abroad in, by, or upon the Army, a supplemental code is absolutely needed.
7. That unwritten code is martial law, as an addition to the written military code prescribed by Congress in the Rules and Articles of War, and which unwritten code all armies in hostile countries are forced to adopt, not only for their own safety, but for the protection of unoffending inhabitants and their property about the theaters of military operations against injuries, on the part of the Army, contrary to the laws of war.
8. From the same supreme necessity martial law is hereby declared as a supplemental code in and about all cities, towns, camps, posts, hospitals, and other places which may be occupied by any part of the forces of the United States in Mexico; and in and about all columns, escorts, convoys,

guards, and detachments of the said forces while engaged in prosecuting the existing war in and against the said Republic, and while remaining within the same.

9. Accordingly, every crime enumerated in paragraph No.2 above, whether committed~(1) by any inhabitant of Mexico, sojourner, or traveler therein, upon the person or property of any individual of the United States forces, retainer or follower of the same; (2) by any individual of the said forces, retainer or follower of the same, upon the person or property of any inhabitant of Mexico, sojourner or traveler therein; or (3) by any individual of the said forces, retainer or follower of the same, upon the person or property of any other individual of the same forces, retainer or follower of the same, shall be duly tried and punished under the said supplemental code.
10. For this purpose it is ordered that all offenders, in the matters aforesaid, shall be promptly seized, confined, and reported for trial before military commissions, to be duly appointed as follows:
11. Every military commission, under this order, will be appointed, governed, and limited, as nearly as practicable, as prescribed by the 65th, 66th, 67th, and 97th of the said Rules and Articles of War, and the proceedings of such commissions will be duly recorded in writing, reviewed, revised, disapproved or approved, and the sentences executed-all, as near as may be, as in the cases of the proceedings and sentences of courts-martial; provided, that no military commission shall try any case clearly cognizable by any court-martial; and provided, also, that no sentence of a military commission shall be put in execution against any individual belonging to this Army which may not be, according to the nature and degree of the offence, as established by evidence in conformity with [582] known punishments in like cases in some one of the States of the United States of America.
12. The sale, waste or loss of ammunition, horses, arms, clothing, or accouterments by soldiers is punishable under the 37th and 38th Articles of War. Any Mexican or resident or traveler in Mexico who shall purchase of any American soldier either horse, horse equipments, arms, ammunition, accouterments, or clothing shall be tried and severely punished by a military commission as above.
13. The administration of justice, both in civil and criminal matters, through the ordinary courts of the country, shall nowhere and it! no degree be interrupted by any officer or soldier of the American forces, except (1) in cases to which an officer, soldier, agent, servant, or follower of the American Army may be a party; and (2) in political cases-that is, prosecutions against other individuals on the allegations that they have given friendly information, aid, or assistance to the American forces.
14. For the ease and safety of both parties in all cities and towns occupied by the American Army, a Mexican police shall be established, and duly harmonized with the military police of said forces.
15. This splendid capital, its churches and religious' worship, its convents and monasteries, its inhabitants and property are, moreover, placed under the special safeguard of the faith and honor of the American Army.
16. In consideration of the foregoing protection, a contribution of \$150,000 is imposed on this capital, to be paid in four weekly installments of thirty-seven thousand five hundred dollars (\$37,500) each, beginning on Monday next, the 20th instant, and terminating on Monday, the 11th of October.
17. The Ayuntamiento, or corporate authority of the city, is specially charged with the collection and payment of the several installments.
18. Of the whole contributions to be paid over to this Army, twenty thousand dollars (\$20,000) shall be appropriated to the purchase of extra comforts for the wounded and sick in hospital; ninety thousand dollars (\$90,000) to the purchase of blankets and shoes for gratuitous distribution among the rank and file of the Army; and forty thousand dollars (\$40,000) reserved for other necessary military purposes.
19. This order will be read at the head of every company of United States forces serving in Mexico, and translated into Spanish for the information of Mexicans.