
Student Work

3-1-1967

Marking the coterminous boundary line between the United States and Mexico 1848-1856

Donald Ralph Judge
University of Nebraska at Omaha

Follow this and additional works at: <https://digitalcommons.unomaha.edu/studentwork>
Please take our feedback survey at: https://unomaha.az1.qualtrics.com/jfe/form/SV_8cchtFmpDyGfBLE

Recommended Citation

Judge, Donald Ralph, "Marking the coterminous boundary line between the United States and Mexico 1848-1856" (1967). *Student Work*. 567.
<https://digitalcommons.unomaha.edu/studentwork/567>

This Thesis is brought to you for free and open access by DigitalCommons@UNO. It has been accepted for inclusion in Student Work by an authorized administrator of DigitalCommons@UNO. For more information, please contact unodigitalcommons@unomaha.edu.

MARKING THE COTERMINOUS BOUNDARY LINE BETWEEN THE
UNITED STATES AND MEXICO 1848-1856

A Thesis
Presented to the
Department of History
and the
Faculty of the College of Graduate Studies
University of Omaha

In Partial Fulfillment
of the Requirements for the Degree
Master of Arts

by
Donald Ralph Judge
March 1967

UMI Number: EP73205

All rights reserved

INFORMATION TO ALL USERS

The quality of this reproduction is dependent upon the quality of the copy submitted.

In the unlikely event that the author did not send a complete manuscript and there are missing pages, these will be noted. Also, if material had to be removed, a note will indicate the deletion.



UMI EP73205

Published by ProQuest LLC (2015). Copyright in the Dissertation held by the Author.

Microform Edition © ProQuest LLC.

All rights reserved. This work is protected against
unauthorized copying under Title 17, United States Code



ProQuest LLC.
789 East Eisenhower Parkway
P.O. Box 1346
Ann Arbor, MI 48106 - 1346

Accepted for the faculty of the College of Graduate
Studies of the University of Omaha, in partial fulfillment
of the requirements for the degree of Master of Arts.

Paul L. Beck History
Chairman Department

Graduate Committee

Name

Department

Roy M. Robbins

History

Orville D. Menard

Political Science

Representative of the Graduate Council

ACKNOWLEDGEMENT

The assistance of Library personnel, the personal interest of faculty members, and the sponsorship of Professor Paul L. Beck is herein acknowledged.

TABLE OF CONTENTS

	Page
ACKNOWLEDGEMENT	11
LIST OF ILLUSTRATIONS	v
INTRODUCTION	1
Chapter	
I. EXPANDING SOUTHWESTWARD 1783-1848	3
Antecedence	
Louisiana Cession	
Floridas Treaty	
Texas and Mexico	
Annexation of Texas	
The Last Major Acquisitions	
II. THE FIRST BOUNDARY COMMISSION 1848-1850	30
Congressional Preliminaries	
The Boundary Commission	
Prelude to Adjournment	
Conditions of New Mexico	
The Compromise of 1850	
The Indian Incursion Problem	
III. THE SECOND BOUNDARY COMMISSION 1850-1853	49
Re-organization	
Establishing the Initial Point	
The Initial Point Disputed	
Washington Inquiry	
Boundary Commission Eliminated	
Indian Incursions Continue	
The United States Army	

IV.	THE UNITED STATES-MEXICO TREATY OF 1853	71
	Factors of Negotiation	
	Filibustering	
	Isthmus of Tehuantepec	
	Mesilla and Railroads	
	Indian Incursions Continue	
	The United States Army	
V.	THE THIRD BOUNDARY COMMISSION 1854-1856	96
	The Continuity	
	Field Work Commences	
	Résumé of Other Matters	
	Completion of Field Work	
	Monies Due Mexico	
	Boundary Commission Conclusion	
VI.	CONCLUSIONS	115
	The Boundary Commission	
	Executive Power	
	Congressional Power	
	BIBLIOGRAPHY	120

LIST OF ILLUSTRATIONS

Figure		Page
1.	Initial English Penetration of North America . .	4
2.	The Royal Proclamation Line of 1763	6
3.	Treaty of Paris Boundary Limits of 1783	8
4.	Louisiana Purchase Boundary Limits of 1803 . . .	11
5.	Floridas Purchase and Transcontinental Boundary of 1819	14
6.	Annexation of Texas Boundary Limits of 1845 . .	23
7.	Oregon Treaty Boundary Limits of 1846	25
8.	Mexico's Cession Boundary Limits of 1848	29
9.	First Boundary Commission Survey 1849-1850 . . .	39
10.	Bartlett-Condé Agreement Line of 1851	55
11.	Isthmus of Tehuantepec	76
12.	Mesilla Valley and Disputed Area of 1853	80
13.	President Pierce's Boundary Proposal Numbers 1 and 2	87
14.	President Pierce's Boundary Proposal Numbers 3 and 4	88
15.	President Pierce's Boundary Proposal Numbers 5 and 6	89
16.	Gadsden Treaty Boundary Line of 1853	94
17.	Valid Surveys Completed 1849-1853	98
18.	Emory's Report of Final Survey 1856	111

INTRODUCTION

The treaty history of United States expansion toward its contiguity is compacted between the years 1803 and 1853. During the period since that era, less significant boundary adjustments have been extended into current history. Within the scope of territorial expansion by treaty, this thesis is focused upon the marking of a common boundary line between the United States and the Republic of Mexico. This effort spanned an eight year period from 1848 to 1856.

In developing the subject matter of an engineering problem there were many economic, military, and political factors encountered which greatly influenced the operation. These complexities presented a pattern which stymied the efforts of the first two Boundary Commissions, and ultimately caused their desintegration. The advent of a definitive treaty removed the more hostile political opposition, and enabled the third Boundary Commission to complete its task. This writer has attempted to assemble and present an objective account of the interrelationship between the external factors of influence and the adverse internal circumstances which plagued the three Boundary Commissions.

Prior to the time when the scope of this thesis was

given its final form, it was determined that the treaties of a significant territorial acquisition by the United States must be given a short exposure. This is accomplished in the initial chapter, while the remaining chapters are devoted to the developement of the main theme. The illustrations used throughout the thesis are presented to assist the narrative, either as treaty material, points of dispute, or the accomplishments of specific Boundary Commissions. These were drawn by the writer and do not attempt to convey any degree of accuracy, but are merely intended to maintain orientation for the reader.

Primary source material is used whenever possible, drawn mainly from the Congressional Record. Additionally, other United States Government sources, and secondary works, are utilized to complete the documentation. Due to problems of availability, the official governmental records of the Republic of Mexico were not included within the research materials. The Bibliography contains only selected works, and the annotations indicate only that portion of a particular source used as a citation within the thesis text.

CHAPTER I

EXPANDING SOUTHWESTWARD 1783 - 1848

Antecedence

Successful English colonization began on the Atlantic shores of continental North America early in the seventeenth century. The first Charter of Virginia, issued by King James I (1566-1625) of England on April 10/20, 1606, provided for habitation of that land "... not now actually possessed by any Christian Prince or People. . . ." ¹ From this beginning, successive waves of immigration began a penetration of this continent, spawning successive waves of frontiersmen, ever pushing westward.

Many generations of the early English North American colonials matured and passed on, never to be encumbered with the old world reality of a limiting boundary. The only barrier to the westward advance was either the physical fea-

¹ Benjamin Perley Poore (ed.), The Federal and State Constitutions (Washington: Government Printing Office, 1878), Part II, p. 1889. James I became the first Stuart King of England upon the death of his cousin, Elizabeth I, in 1603. See Sir Leslie Stephan and Sir Sidney Lee (eds.), The Dictionary of National Biography (22 vols.; London: Oxford University Press, 1921-22), X, 570-582. See Fig. 1, for the initial points of penetration by the English on the continent of North America.

INITIAL ENGLISH PENETRATION OF NORTH AMERICA

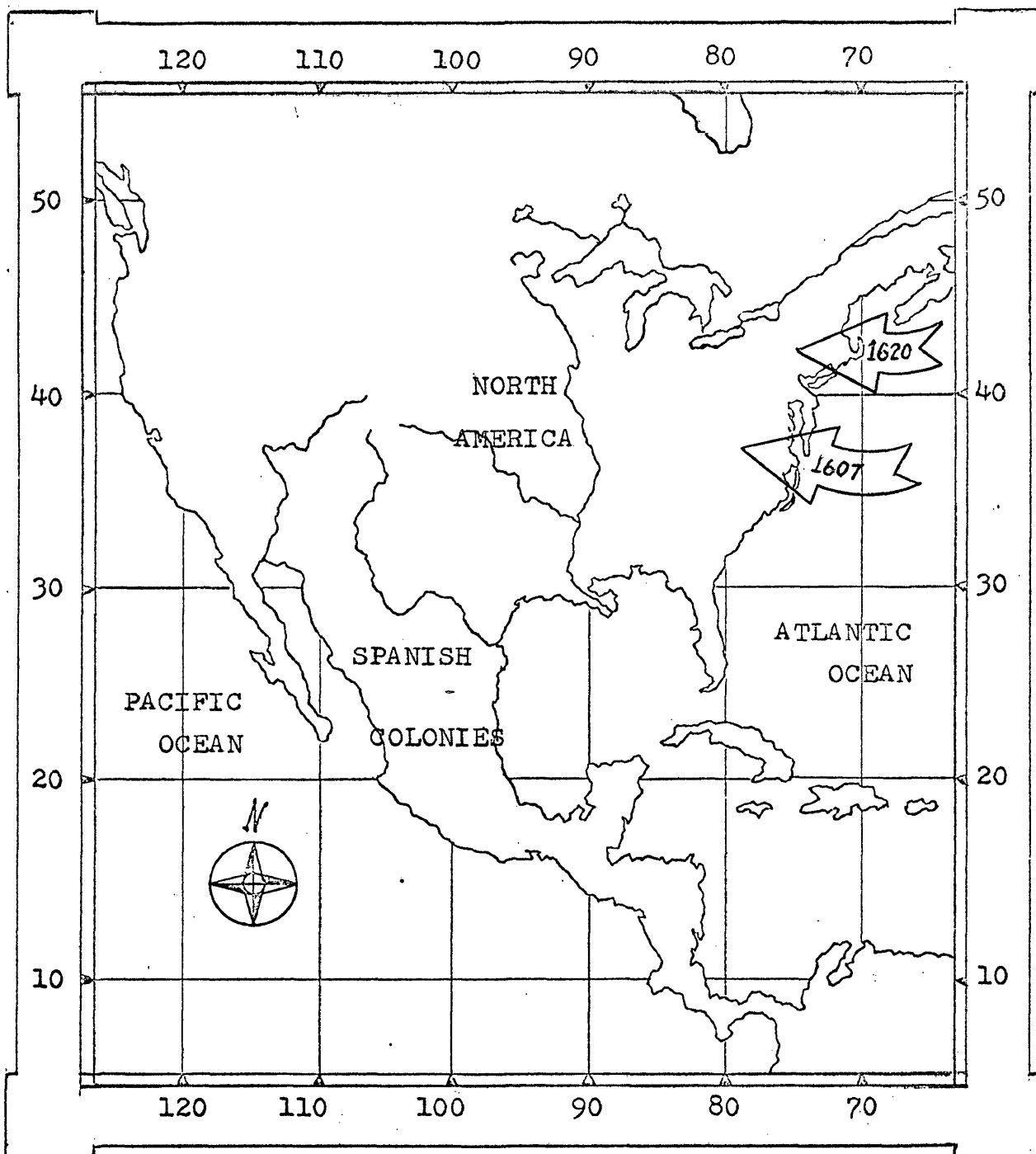


Fig. 1.

tures of geography or the "uncivilized" Indian. The vastness was there, unknown, but limitless in the mental horizon of the times.

On October 7, 1763, King George III of England, by the Royal Proclamation concerning America, established the first comprehensive paper boundary defining a western limit to habitation.² It was too late, the habits of several generations of colonials were already orientated toward the frontiers. The restlessness could not be stilled, before, then, or later. Far too many people could only see that their new home lay just beyond the river, or the next ridge.

Nationhood brought the definition of a boundary into much sharper focus, at least as far as our statesmen and Federal officials were concerned. The limits of habitation for citizens of the United States were defined in the document signed at Paris on September 3, 1783. The southwestern limits were established in Article II, which read in part:

Thence by a line to be drawn along the middle of the said Mississippi until it shall intersect the northermost part of the thirty-first degree of north latitude. South by a line to be drawn due east from the determination of the line last mentioned, in the latitude of thirty-one degrees north of the Equator,

²William MacDonald (ed.), Documentary Source Book of American History 1606-1913 (New York: The MacMillan Company, 1917), p. 116. See Fig. 2, for the western line of demarkation as established by this proclamation, reserving western lands for the Indians. This line not only irked the colonials, but in fact was too late with respect to the migration across the Appalachian Mountains.

THE ROYAL PROCLAMATION LINE OF 1763

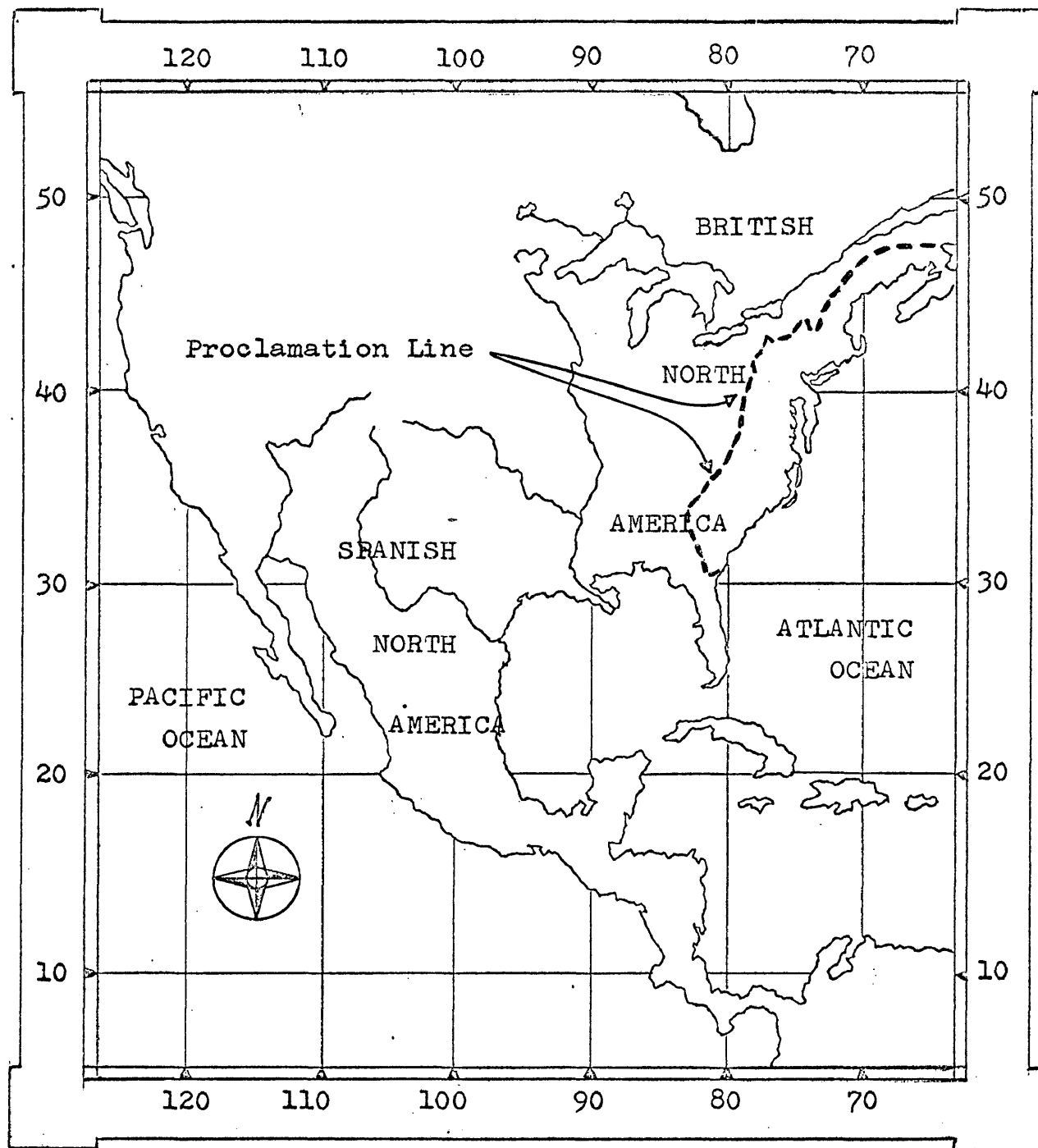


Fig. 2.

to the middle of the river Apalachicola. . . .³

This was a document of substance, an instrument which could really be comprehended. But there was still the physical limitless beyond the thought expressed by mere words. This was no barrier which the people could see, even if by chance they possessed the capability of reading. There was no evidence that Spanish North America, lying to the south and west, would become an obstacle to denote a boundary marked only by verbiage.

Louisiana Cession

The events transpiring between the nations of Europe during the Napoleonic Era, gave rise to favorable considerations for United States expansion westward. To clear the way, a convention between our country and France was concluded on September 30, 1800.⁴ This ended the naval hostilities which commenced over the subject of commerce, and restored amicable relations with Napoleon's government.

The territory in Spanish North America known as Louisiana was ceded by Spain to France in 1800. Some two years later, Spanish officials were still in control of the territory, and closed the Port of New Orleans to United States

³U. S., Statutes at Large, VIII, 80-83. See Fig. 3, for the boundary limits set forth in the Treaty of Paris. There were of course, several areas in question.

⁴Glenn Tucker, Dawn Like Thunder (New York: The Bobbs-Merrill Company, Inc., 1963), p. 39.

TREATY OF PARIS BOUNDARY LIMITS OF 1783

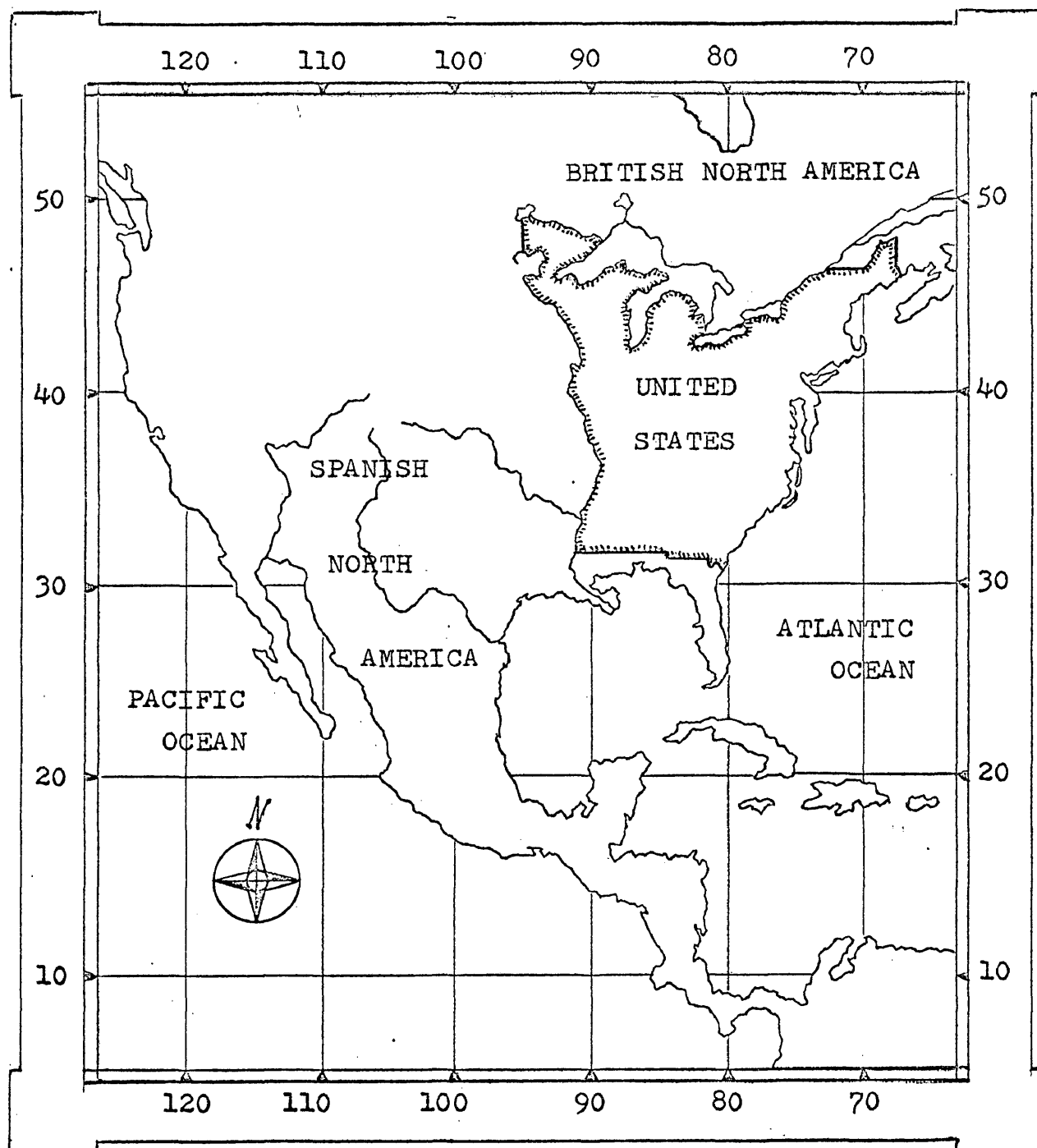


Fig. 3.

commerce which flowed down the Mississippi River. President Thomas Jefferson (1743-1826) requested an appropriation of \$2,000,000 from Congress on January 11, 1803, and dispatched James Monroe (1758-1831) to Paris with instructions to purchase that port.⁵

Napoleon's government countered the request for the Port of New Orleans, with a more generous offer to the United States Ministers, encompassing the entire territory of Louisiana.⁶ Despite the absence of instructions, and the fact that travel time precluded even attempting to obtain them, our plenipotentiaries concluded the Louisiana Purchase Treaty with France on April 30, 1803. This read in part:

Whereas, by the article the third concluded at St. Idelfonso, the 9th Venémiaire, an. 9 (1st October, 1800) between the First Consul of the French Republic and his Catholic Majesty, it was agreed as follows: "His Catholic Majesty promises and engages on his part, to cede to the French Republic, six months after the full and entire execution of the conditions and stipulations herein relative to his royal highness the duke of Parma, the colony or province of Louisiana, with the same extent that it now has in the hands of Spain, and that it had when France possessed it; and such as it should be after

⁵American State Papers, Foreign Relations, Ser. 02, II, 475. Jefferson was the 3rd President of the United States and author of the Declaration of Independence. His term of office covered the period from 1801 to 1809. See Allen Johnson and Dumas Malone (eds.), Dictionary of American Biography (20 vols.; New York: Charles Scribner's Sons, 1930), X, 17-35. Cited hereafter as DNB. Monroe was to become the 5th President of the United States and define the Monroe Doctrine. His term of office covered the period from 1817 to 1825. See Ibid., XIII, 87-93.

⁶American State Papers, Foreign Relations, Ser. 02, Vol. II, pp. 1007-1210.

the treaties subsequently entered into between Spain and other states." And whereas, in pursuance of the treaty, and particularly of the third article, the French Republic has an incontestible title to the domain and to the possession of the said territory: The First Consul of the French Republic desiring to give to the United States a strong proof of his friendship, doth hereby cede to the said United States, in the name of the French Republic, forever and in full sovereignty, the said territory with all rights and appurtenances, as fully and in the same manner as they have been acquired by the French Republic, in virtue of the above-mentioned treaty, concluded with his Catholic Majesty.⁷

President Jefferson had certain misgivings relative to the constitutionality of the purchase.⁸ However, a Special Session of Congress gave its assent to the treaty in October of the same year.⁹ Two important considerations arose as a result of this treaty. The first being the vagueness in wording that pertained to the limits of the Louisiana Territory, and in particular its southwestern extent. The second consideration was the fact that Spanish North America was cleaved at the middle Gulf coast, with the Floridas on the east and Texas on the west.

Floridas Treaty

The drama of events being played in Europe continued to favor the expansion of the United States, even as Great

⁷U. S., Statutes at Large, VIII, 200-206. See Fig. 4, for the general limits granted under the Louisiana Purchase.

⁸American State Papers, Foreign Relations, Ser. 01, Vol. I, pp. 61-63.

⁹Senate Journal, 8th Cong., 1st Sess., pp. 24-25.

LOUISIANA PURCHASE BOUNDARY LIMITS OF 1803

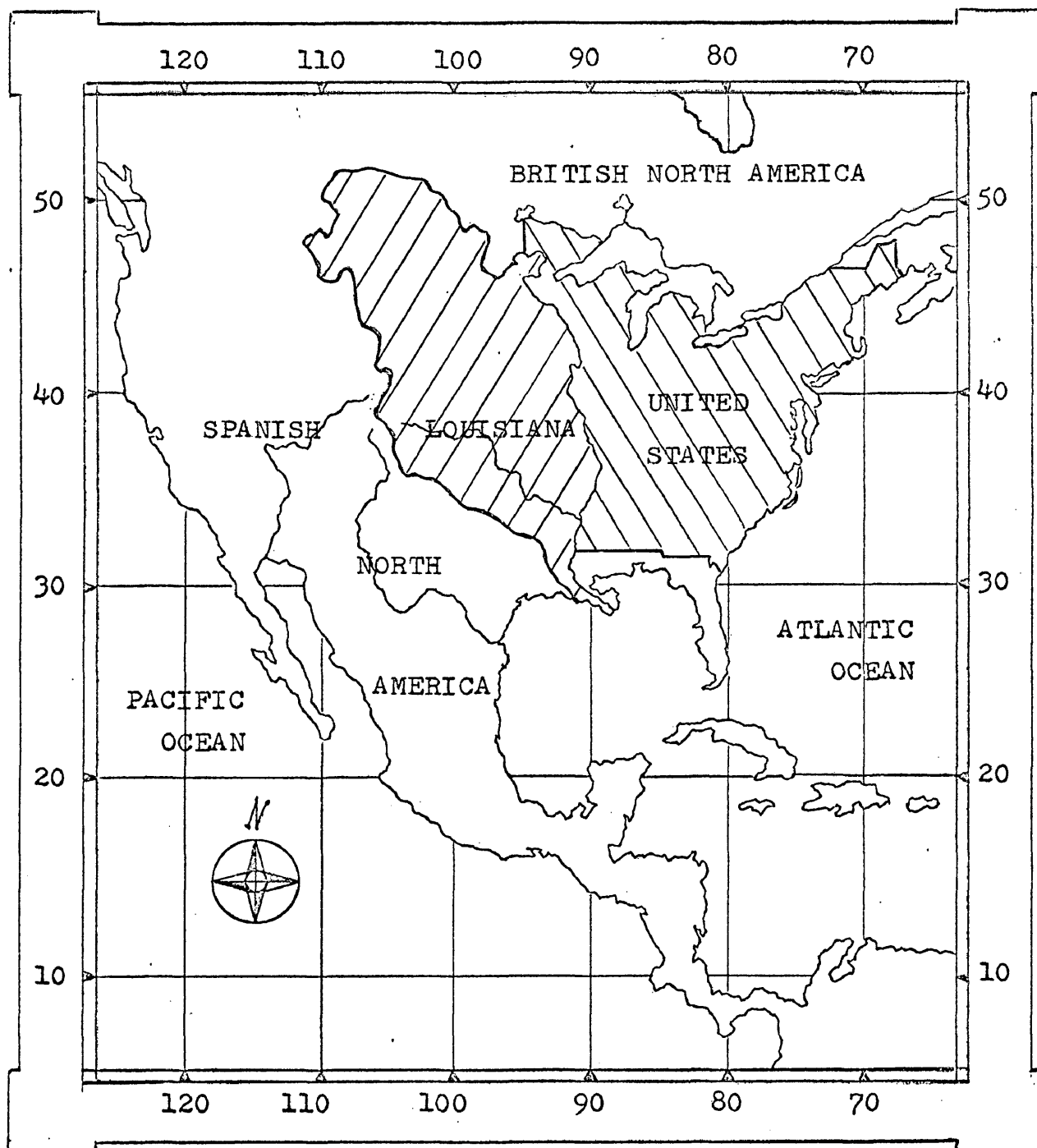


Fig. 4.

Britain brought the Napoleonic Era to its conclusion in 1815. Throughout most of the era, Spain had been humbled by that First Consul of the French Republic. However, when she emerged again, it was a badly shaken Empire, and her colonies in the Americas were crumbling from within.

Shortly after diplomatic relations were resumed between the United States and Spain, it became proper to enter into negotiations relative to the subject of the Floridas.¹⁰ The matter was finally brought to a conference, with the United States being represented by John Q. Adams (1767-1848). The treaty resulting from this negotiation, obtained the Floridas for our country, and specific terms relating to a southwestern boundary between the United States and the dwindling Spanish North America. Article III of this treaty, concluded on February 22, 1819, contained terms which read in part, that:

The boundary line between the two countries, west of the Mississippi, shall begin on the Gulph [sic] of Mexico, at the mouth of the river Sabine, in the sea, continuing north, along the western bank of that river, to the 32nd degree of latitude; thence, by a line due north, to the degree of latitude where it strikes the Rio Roxo of Nachitoches, or Red River; then following the course of the Rio Roxo westward, to the degree of longitude 100 west from London and 23 from Washington; then, crossing the said Red River, and running thence, by a line due north, to the river Arkansas, to its source in latitude 42 north; and thence, by that parallel of latitude, to the South Sea. The whole being as laid down in Melish's map of the United States, published

¹⁰H. Doc. No. 2-27, Vol. I, Ser. 17, 16th Cong., 1st Sess., pp. 1-69.

at Philadelphia, improved to the first of January 1818. But if the source of the Arkansas river shall be found to fall north or south of latitude 42, then the line shall run from the said source due south or north, as the case may be, till it meets the said parallel of latitude 42, and thence¹¹ along the said parallel, to the South Sea: . . .

Spanish procrastination and the subject of land grants made by their crown subsequent to conclusion of the treaty itself, caused irritating delays. It was not until October 24, 1820, that Spain gave ratification to the Florida Purchase Treaty. President James Monroe transmitted this ratification to Congress on February 22, 1821, who added their own.¹² By in large, the treaty should have satisfied even the most discriminating advocate of expansionism. However, the ink was not really dry on the final act of Congress before opinions were advanced for a boundary still further to the southwest. The appetites were wetted and the horizons now rested on the Pacific Ocean. Vastness was as yet there, and expansionists wanted it all.

Texas and Mexico

The Empire of Spanish Americas was breaking up rap-

¹¹U. S., Statutes at Large, VIII, 252-264. Adams was to become the 6th President of the United States, and serve from 1825 to 1829. Also he was to be the only former President to serve in the House of Representatives. See DAB, I, 84. See Fig. 5, for the territorial acquisitions and transcontinental boundary under the Treaty with Spain.

¹²Sen. Doc. No. 2, Vol. I, Ser. 26, 16th Cong., 1st Sess., pp. 1-69., Ex. Paper No. 120, Vol. VIII, Ser. 38, Ibid., pp. 1-32, and Ex. Paper No. 121, Ibid., pp. 1-4.

FLORIDAS PURCHASE AND TRANSCONTINENTAL BOUNDARY OF 1819

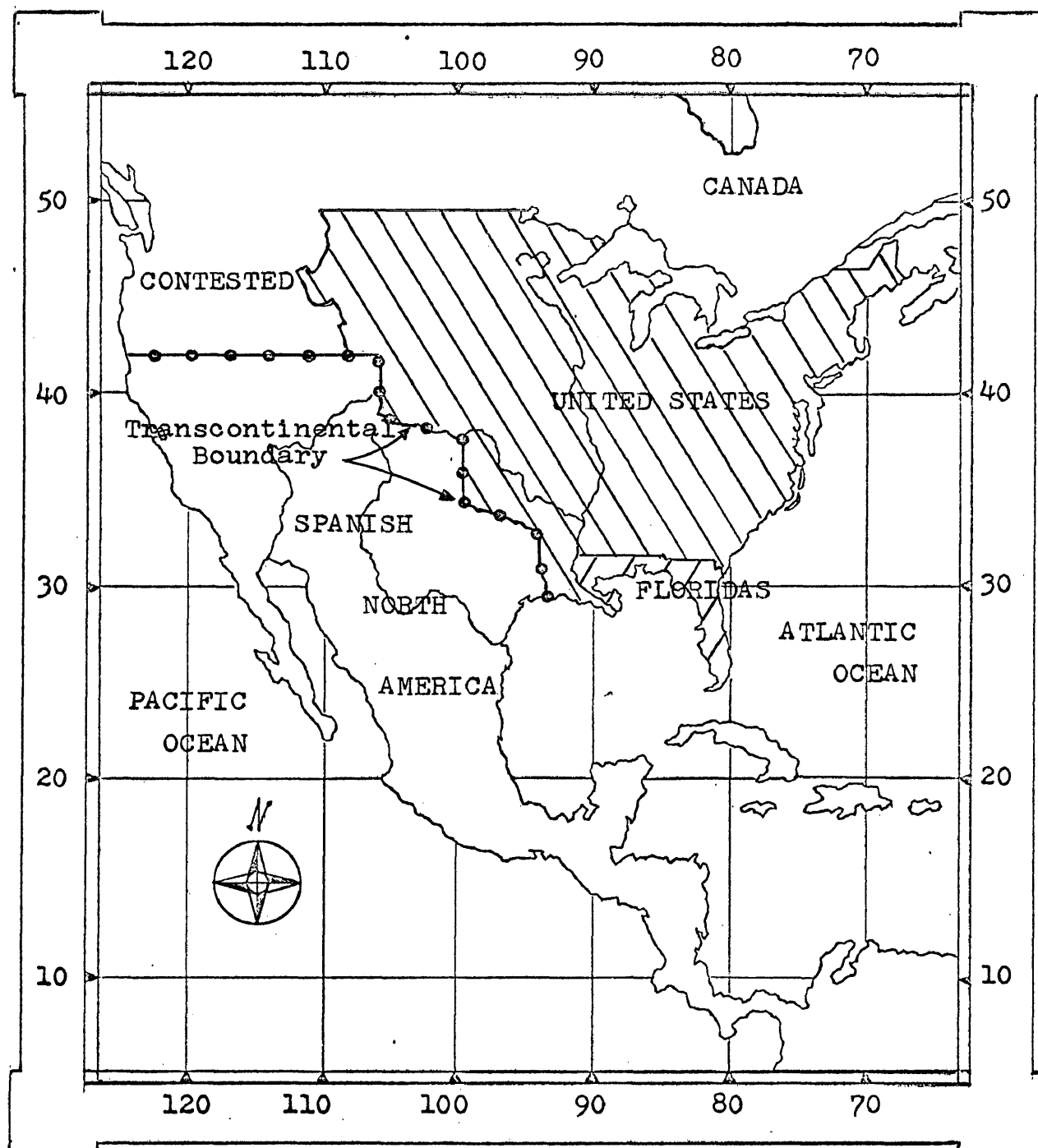


Fig. 5.

idly, and they were forced to recognize the independence of Mexico in 1821. Subsequent negotiations for any territorial modifications would thereafter be concluded between the new republic and the United States. Pertinent to this situation were the efforts of President Adams to purchase from Mexico, the territory that today essentially comprises the State of Texas.

Instructions covering purchase were issued by the Secretary of State, Henry Clay (1777-1852), to the United States Minister to Mexico, Joel Poinsett (1779-1851), in the years 1825 and 1827, respectively.¹³ Mexico refused to negotiate on this issue, but Minister Poinsett did negotiate a treaty of limits, on which ratifications were not exchanged until 1832.¹⁴

President Andrew Jackson (1767-1845) also instructed his Secretary of State, Martin Van Buren (1782-1862), to provide Minister Poinsett with similar instructions in 1829. In this light, the President held a view that our Minister should ". . . open a negotiation for the retrocession [my underlining]. . . . of the territory as far west as the de-

¹³H. Ex. Doc. No. 25, Vol. II, Ser. 149, 19th Cong., 2nd Sess., pp. 1-4. Clay was a long time Congressman from Kentucky and public servant from 1806 to his death. See DAB, IV, 173. Poinsett was our most experienced diplomat on matters pertaining to South America, Minister to Mexico for Presidents Adams and Jackson, and President Van Buren's Secretary of War. See DAB, XV, 30-32.

¹⁴H. Ex. Doc. No. 225, Vol. V, Ser. 220, 22nd Cong., 1st Sess., pp. 1-27.

sert west of the Neusis [sic]. . . ." ¹⁵ For the remainder of his life, Andrew Jackson held the opinion that Spain intended to fix the western boundary of the Louisiana Territory at the Rio Grande. ¹⁶

On August 25, 1829, Secretary Van Buren issued his lengthy instructions covering every facet, argument, and contingency concerning the purchase of Texas and the reasons why Mexico should be willing to negotiate. But he also cautioned Minister Poinsett to accomplish his aim ". . . upon terms as favorable, and for a price as low as practicable. . . ." ¹⁷ On this same day, President Jackson signed two commissions for the negotiation, one for Minister Poinsett, and the other to Anthony Butler. ¹⁸ In spite of the elaborate commissions, nothing was accomplished except the installation of Anthony Butler in the Foreign Service of the United States, and into Mexico City. Some two months later, because of a situation that was becoming embarrassing to Minister Poinsett's position, President Jackson in a letter

¹⁵ Jackson to Van Buren, August 13, 1829, Martin Van Buren Papers (Washington: The Library of Congress, 1960), Reel 8. Cited hereafter as Van Buren Papers.

¹⁶ Jackson to A. V. Brown, February 12, 1843, Ibid., Reel 8. This letter in particular would receive wide distribution, shortly after it was written by Jackson.

¹⁷ Van Buren to Poinsett, August 25, 1829, Ibid., Reel 8. This document contained thirty-eight pages of instructions.

¹⁸ Jackson, To all whom these presents shall concern Greeting:, August 25, 1829, Ibid.

dated October 17, 1829, advised his Secretary of State to withdraw the minister and assign his duties to Commissioner Butler.¹⁹

President Jackson's plans for Texas were disrupted when United States settlers in Texas defeated the army of General Antonio Santa Anna, who was also the Mexican President, in the battle of San Jacinto, on April 21, 1836. As a result of this victory, Texas proclaimed itself an independent state in the community of nations.²⁰ This turn of events forced the President to adopt a position of caution and neutrality. The news of the emergence of Texas also caused President Jackson to call for a report from Henry Clay's Senate Committee on Foreign Relations, on the subject of extending recognition.²¹ It was becoming evident that he was studying all possibilities.

Still, President Jackson was in doubt, as it may be concluded from a memorandum he penned in November of 1836, which raised the question whether Texas exhibited a government in fact, and possessed the capability to support it from all quarters.²² On February 2, 1837, the President

¹⁹Jackson to Van Buren, October 17, 1829, Ibid.

²⁰Sen. Ex. Doc. No. 1, Vol. I, Ser. 297, 24th Cong., 2nd Sess., p. 5.

²¹Sen. Rept. No. 406, Vol. VI, Ser. 284, 24th Cong., 1st Sess., p. 1.

²²Jackson, memo., November (?), 1836, Van Buren Papers, Reel 16.

showed signs that his position was wavering. A letter of that date revealed his concern that Great Britain might obtain a decided commercial advantage by extending recognition first.²³ An open break with Mexico was proposed by President Jackson on February 7, 1837. On that date he transmitted to the Senate a message containing a document of assembled diplomatic correspondence. The President charged Mexico with gross capriciousness in matters relating to claims due the United States. On the basis of the contents of this correspondence, a request was made to Congress for legislation ". . . authorizing reprisals, and the use of the naval forces of the United States by the Executive against Mexico."²⁴

Just prior to leaving office, President Jackson extended recognition to Texas as an independent state. Standing in the wings was his Vice President, Martin Van Buren, who had been elected the previous fall to become Jackson's successor.

Annexation of Texas

During the tenure of President Van Buren, internal problems occupied an inordinate amount of effort. Mexico

²³Jackson to Howard, February 2, 1837, Andrew Jackson Papers (Washington: Library of Congress, 1959), Reel 5.

²⁴Sen. Ex. Doc. No. 160, Vol. II, Ser. 298, 24th Cong., 2nd Sess., p. 1. It should be noted that this document transmitted by Jackson was 170 pages in length.

was dealt with by exercising restraint on the part of the administration. Still the matter of Texas remained alive. On July 21, 1837, Secretary of State John Forsyth advised the President that the Mexican Envoy hinted that possible boundary adjustments could be concluded for a price.²⁵ In August, Secretary of War Joel Poinsett advised the President that Mexico wanted assurances the United States would maintain its neutrality, in the event they re-engaged Texas in a contest with arms.²⁶

President Van Buren pursued an overt policy to reassure Mexico of his best intentions. During February, 1839, he drafted a letter to his Minister in France, offering his good offices as a medium for settling differences between those two nations.²⁷ From Mexico City, the United States Minister to that seat of government advised President Van Buren that his personal message of felicitous disposition was cordially received by the Mexican Chief-of-State.²⁸ With these efforts, the President was able to restore some semblance of friendly relations between the two sister na-

²⁵Forsyth to Van Buren, July 21, 1837, Van Buren Papers, Reel 17.

²⁶Poinsett to Van Buren, (August ?) 1837, Ibid., Reel 19.

²⁷Van Buren to Cass, February (?), 1839, Ibid., Reel 21.

²⁸Ellis to Van Buren, September 3, 1839, Ibid., and the answer thereto, Bustamante to Van Buren, October 8, 1839, Ibid., Reel 22:

tions.

The Presidential election campaign in the fall of 1840, was clamorous but essentially issueless. Van Buren was defeated by William Henry Harrison (1773-1841). A symbol of the Log Cabin appeared to far outweigh a subject as mundane as Texas, which still lay smouldering beneath the facade of national thought. President Harrison was, however, unable to exert an influence on bringing the question concerning the annexation of Texas into the light of full debate, because of his death on April 4, 1841.²⁹

When the Vice President, John Tyler (1790-1862), assumed office as President, it was clear that his interests were focused on the annexation of Texas. During his term of office, President Tyler also suffered from political embarrassment as a result of overt military action against Mexico in Upper California.³⁰ However, it was former President Jackson who broke the political log jam, with his letter of February 12, 1843, in terms sufficiently strong to quicken

²⁹Harrison was the 9th President of the United States, an Army General in the War of 1812, and the United States Minister to Columbia during President Adams' administration. See DAB, VIII, 348-352. The Whig Party would repeat the capture of the White House with Taylor, and a similar loss.

³⁰H. Ex. Doc. No. 166, Vol. V, Ser. 422, 27th Cong., 3rd Sess., p. 70. Commodore Jones of the U. S. Navy attempted to explain his capture of Monterey, California. Webster to Almonte, January 30, 1843, Ibid., p. 5. U. S. attempt to smooth over the incident with the Mexican government. Tyler was the 10th President of the United States, and the first Vice President to be elevated as a result of the death of the Chief Executive. See DAB, XIX, 88.

the pulse of those anxious for annexation.³¹ Fresh hope was noted on the part of administration officials by the fall of that year.³²

President Samuel Houston (1793-1863) of the Republic of Texas advised former President Jackson on February 16, 1844, that in the event his nation would be spurned again by the Congress of the United States, the opportunity might forever be lost.³³ President Tyler addressed the Congress on June 10, 1844, urging them to undertake some form of positive action toward annexation. The form apparently was of little concern to the Chief Executive, as in his opinion ". . . the great question is, not as to the manner in which it shall be done, but whether it shall be accomplished or not."³⁴

The "great question" was nearly ruined for the affirmative by Secretary of State Calhoun, when he addressed the government of Great Britain in a manner which described the annexation of Texas as a defense of the institution of

³¹Jackson to A. V. Brown, supra., p. 16.

³²Sen. Ex. Doc. No. 341, Vol. V, Ser. 435, 28th Cong., 1st Sess., p. 37. Upshur to Van Zandt, October 16, 1843.

³³H. Ex. Doc. No. 271, Vol. IV, Ser. 444, 28th Cong., 1st Sess., p. 110. Houston became the 1st and 3rd President of Texas, in addition to securing the republic's independence on the battlefield at San Jacinto. He was also a life long friend of President Jackson, who conducted a relatively extensive correspondence with him. See DAB., IX, 263-267.

³⁴Ibid., p. 4.

slavery.³⁵ However, the Congress reacted with more than reasonable objectiveness, by passing the Joint Resolution on Annexation of Texas, on March 1, 1845.³⁶ This resolution was approved by President Tyler prior to leaving office. Every form of political division throughout the years encompassed by the Texas question was evident, both by party and geographical section. Some force was now necessary to impart national unity once again into the realm of politics.

The Last Major Acquisitions

The national political unification appeared under the guise of James K. Polk (1795-1849), a dark horse candidate put forward by the Democratic Party. Van Buren was in contention for nomination until his refusal to take a stand on the issue of Texas.³⁷ Polk was not only affirmative on this issue, but conducted his campaign to include the Oregon Territory within the Union.

Diplomatic relations between the United States and

³⁵Sen. Ex. Doc. No. 341, Vol. V, Ser. 435, 28th Cong., 1st Sess., p. 50.

³⁶U. S., Statutes at Large, V, 797-798. See Fig. 6, for the general territorial acquisition by the United States through the Annexation Resolution, which then provided the Union with its contiguous lands to the continental divide.

³⁷Van Buren to Hammet, April 20, 1844, Van Buren Papers, Reel 28. This letter was given wide distribution by publication in Niles Register. Polk became the 11th President of the United States, with a term of four years, commencing in 1845. He was a lawyer, former Congressman, and Governor of Tennessee. See DAB, XV, 34-39.

ANNEXATION OF TEXAS BOUNDARY LIMITS OF 1845

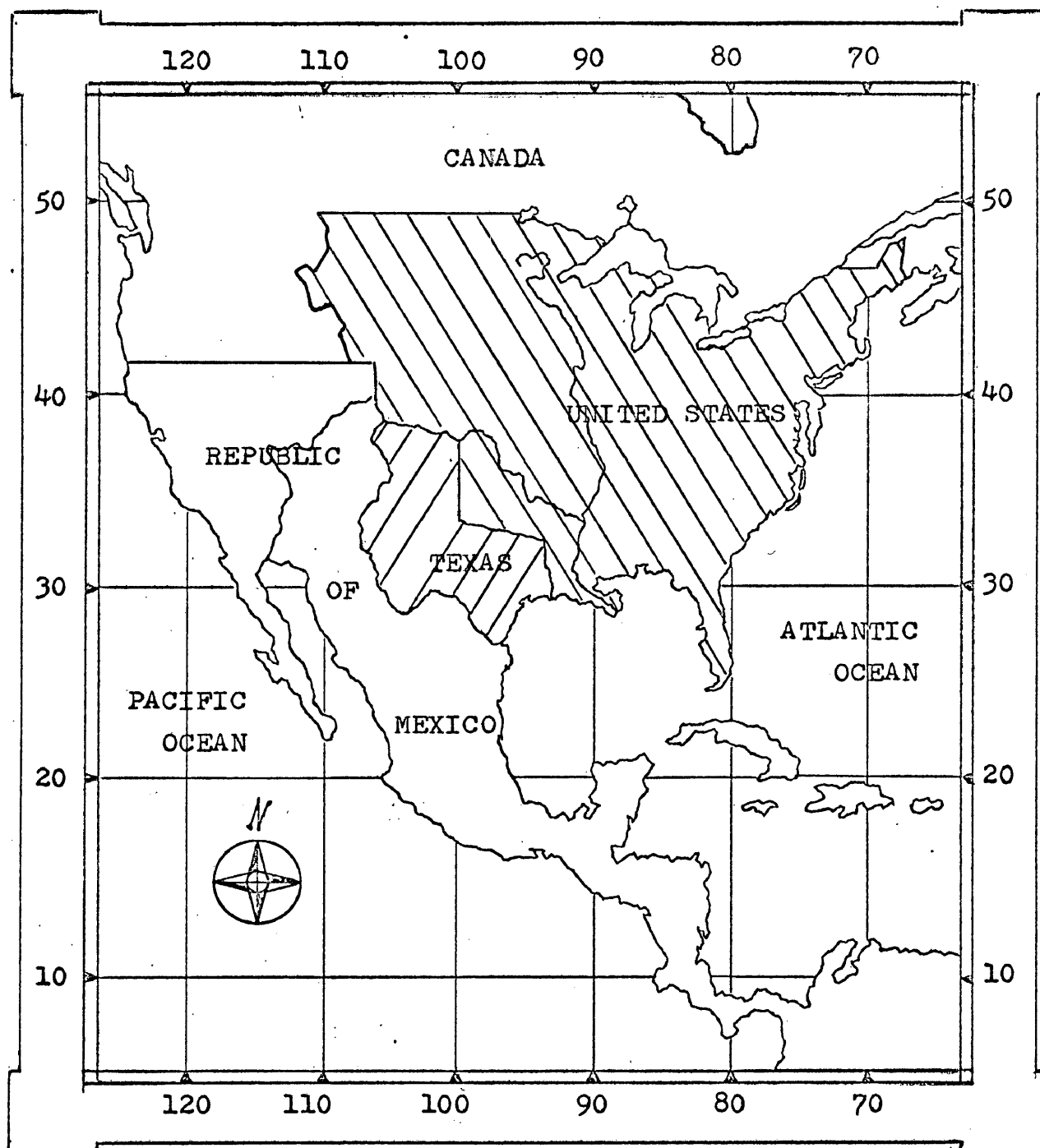


Fig. 6.

Mexico deteriorated rather rapidly, subsequent to the annexation of Texas. A force of the United States Army was sent into southwestern Texas to provide protection against possible movements by Mexico upon this territory. Major General Zachary Taylor (1784-1850) advanced from his positions on the west bank of the Rio Nueces, toward the Rio Grande. Fighting began on April 25, 1846, when a Mexican cavalry force defeated a reconnaissance party of Taylor's forces.³⁸

Upon receipt of the intelligence that United States forces had been resisted east of the Rio Grande, President Polk delivered his War Message to Congress on May 11, 1846.³⁹ The President called for volunteers to serve the country and defend it against foreign invaders. Even while these tense transpirations involved the United States in a war with Mexico, a treaty was concluded with Great Britain, settling the question of the Oregon Territory.⁴⁰

The trend of the initial engagement of United States and Mexican forces soon reversed itself, and the potential

³⁸H. Ex. Doc. No. 197, Vol. VI, Ser. 485, 29th Cong., 1st Sess., pp. 1-6. Taylor later became the 12th President of the United States, and the second (Whig) Chief Executive to die in office. He was a career soldier, with a Presidential term from March 4, 1849, to July 9, 1850. See DAB, XVIII, 349-354.

³⁹H. Ex. Doc. 196, Vol. VI, Ser. 485, 29th Cong., 1st Sess., pp. 1-120.

⁴⁰U. S., Statutes at Large, IX, 869-870. See Fig. 7, for the territorial acquisition of Oregon.

OREGON TREATY BOUNDARY LIMITS OF 1846

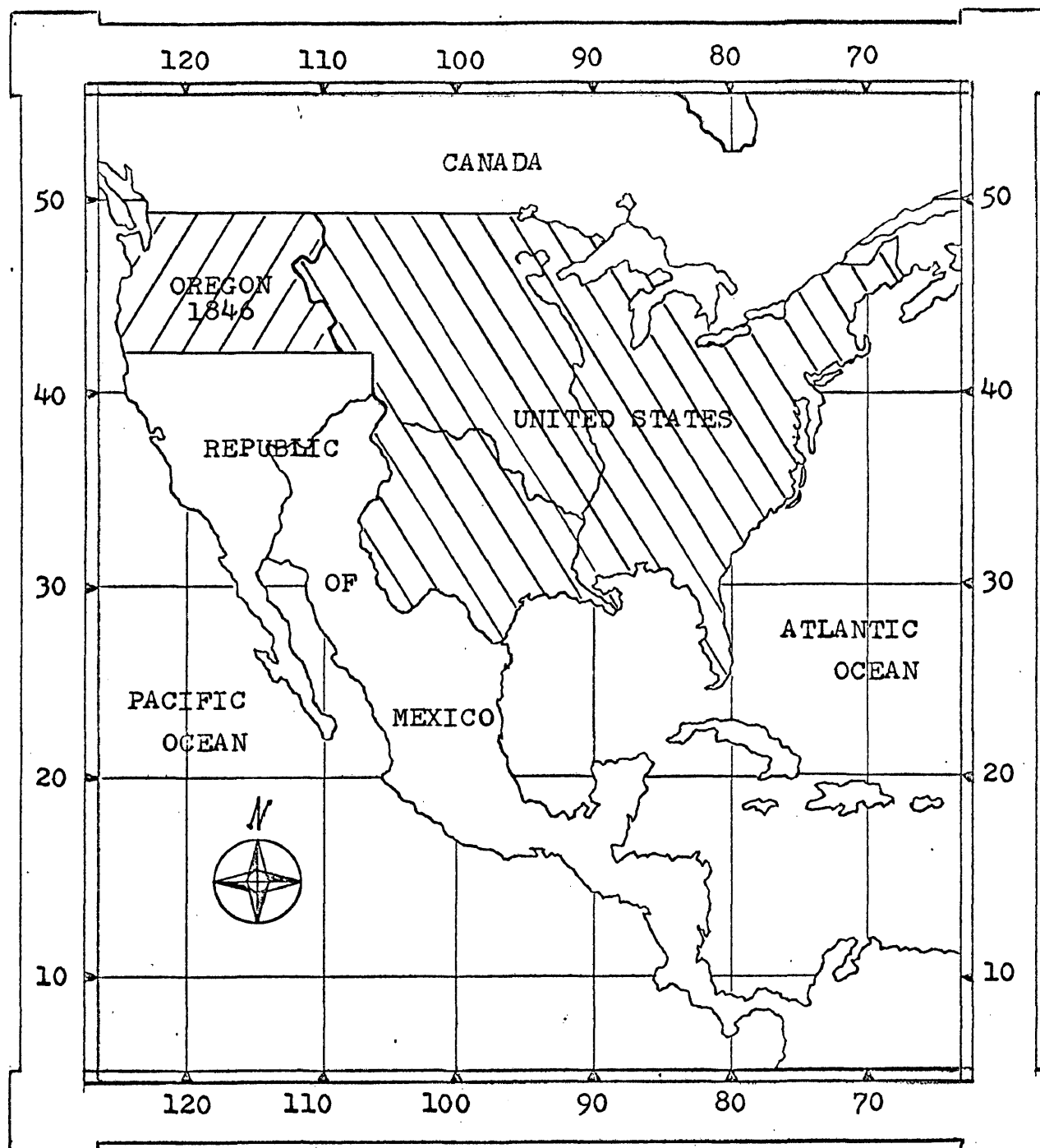


Fig. 7.

of the United States outstripped the far less-endowed and sustaining forces of Mexico. The territories of New Mexico and California soon fell to the forces of invasion, followed by Mexico City itself.

Included within the plans of the United States was the assignment of Commissioner Nicholas Trist (1800-1874), to the United States Army advancing from Vera Cruz to Mexico City. His instructions were issued by the Secretary of State, James Buchanan (1791-1868), on April 15, 1847.⁴¹ The objective of these instructions was to secure for the United States, Upper California and New Mexico, north of the Rio Gila. However, on July 19, 1847, the Secretary of State issued a modification to Commissioner Trist's instructions, which added the peninsula of Lower California and all the territory lying north of the 32° of parallel between the Rio Grande and the Gulf of California, for negotiation.⁴²

On October 6, 1847, Commissioner Trist was recalled from his mission to obtain a treaty from the government of Mexico. This intelligence did not reach the Commissioner

⁴¹Sen. Ex. Doc. No. 52, Vol. VII, Ser. 509, 30th Cong., 1st Sess., p. 81. Trist was a career member of the State Department, and grand-son-in-law of former President Jefferson. See DAB, XVIII, 645. Buchanan became the 15th President of the United States, and former Congressman from Pennsylvania, who served as the Chief Executive from 1857 to 1861. See DAB, III, 207-214.

⁴²Ibid., p. 91. It should be noted that the 32° of parallel did not intercept the Gulf of California. This would not be the last occasion that an administration would propose the cession of Lower California.

until November 16, 1847.⁴³ At this time he foresaw progress toward the accomplishment of his original objective, and elected to remain at his post, despite an order for his arrest.

Commissioner Trist concluded a treaty with a de facto government of Mexico on February 2, 1848, at the city of Guadalupe Hidalgo. President Polk delivered this treaty to the Senate for ratification on the 22nd of that month, with comments relative to its consumation subsequent to his commissioners recall.⁴⁴ In general, the President admitted that the substance encompassed in Commissioner Trist's instructions were embodied in his treaty. This action effectively precluded any movement to acquire additional territory from the Republic of Mexico.

The boundary terms of the Treaty of Guadalupe Hidalgo were contained in Article V, which read in part:

The boundary line between the two republics shall commence in the Gulf of Mexico, three leagues from land, opposite the mouth of the Rio Grandé . . . from thence up the middle of that river . . . to the point where it strikes the southern boundary of New Mexico; thence, westward, along the whole southern boundary of New Mexico (which runs north of the town called Paso) to its western termination; thence, northward, along the western line of New Mexico, until it intersects the first branch of the Rio Gila . . . thence down the middle of the said branch and of the said river, until it empties into

⁴³ Sen. Rept., No. 261, Vol. I, Ser. 1409, 41st Cong., 2nd Sess., pp. 6-8.

⁴⁴ Sen. Ex. Doc. No. 52, Vol. VII, Ser. 509, 30th Cong., 1st Sess., pp: 1-3.

the Rio Colorado; thence across the Rio Colorado, following the division line between Upper and Lower California, to the Pacific Ocean. . . .⁴⁵

This treaty was ratified by the Senate of the United States on March 10, 1848, by a vote of thirty-eight to fourteen.⁴⁶ The territory thus attained, constituted the last major acquisition of contiguous territory amassed by the United States.

⁴⁵Ibid., pp. 43-45. See Fig. 8, for the acquisition of territory encompassed by the Treaty of Guadalupe Hidalgo.

⁴⁶Ibid., p. 36.

MEXICO'S CESSION BOUNDARY LIMITS OF 1848

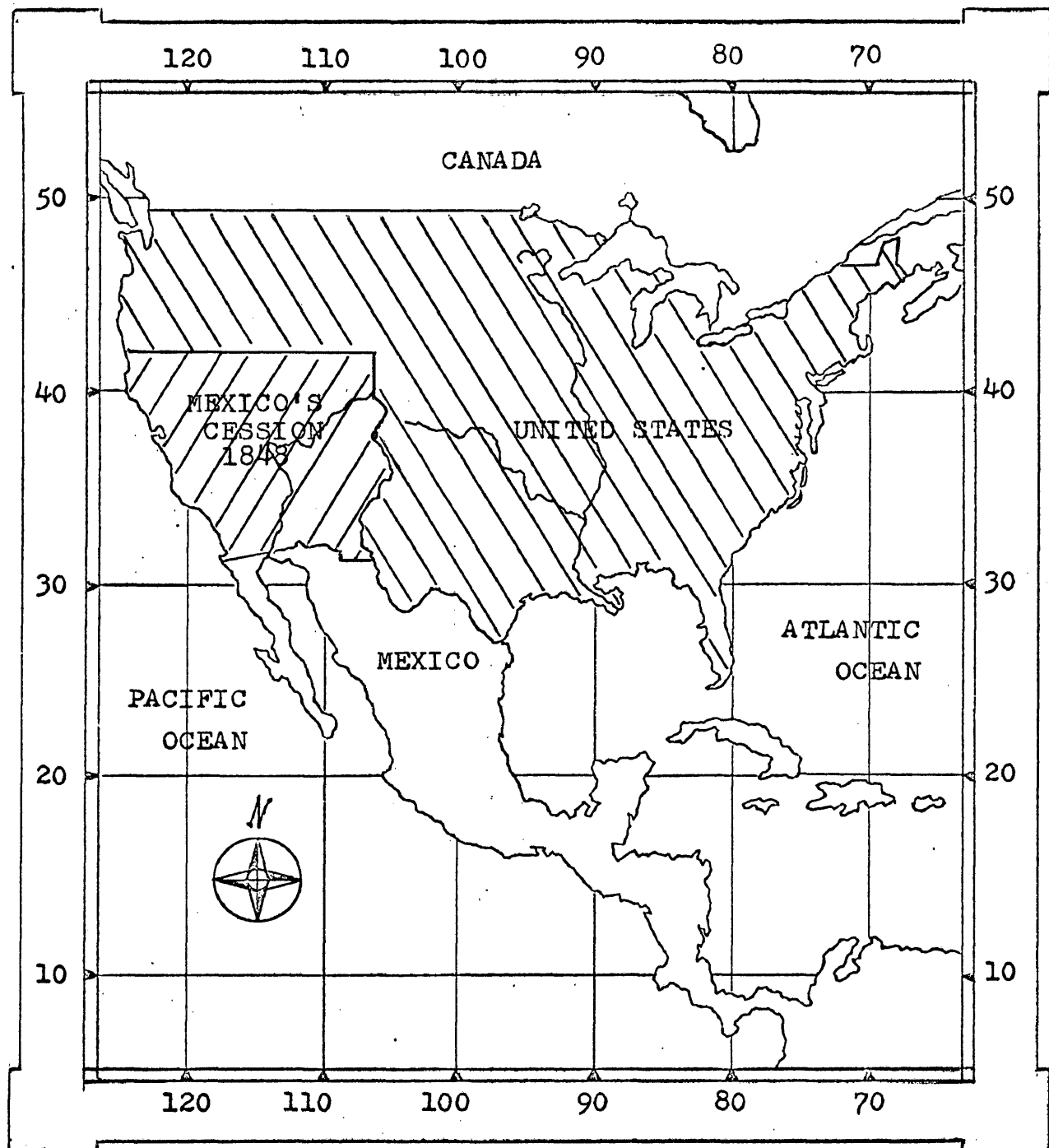


Fig. 8.

CHAPTER II

THE FIRST COMMISSION 1848 - 1850

Congressional Preliminaries

Prior to the important task of placing a Boundary Commission in the field, it was necessary for the Congress of the United States to assess various aspects of the Treaty of Guadalupe Hidalgo. The means for implementation of certain articles would also have to be provided by additional legislation. During the period that the treaty lay before the Senate for ratification, the authenticated Disturnell map was transmitted to them by President Polk.¹

Some eight days after Senate ratification, Nathan Clifford (1803-1881) was nominated by the President on March 18, 1848, to the post of Minister to Mexico.² The Chief Executive exhibited great concern toward the re-establishment of diplomatic intercourse with the Republic of Mexico. It also became the responsibility of Minister Clifford to exchange ratifications, which he accomplished at Queretaro,

¹Sen. Ex. Doc. No. 52, Vol. III, Ser. 509, 30th Cong., 1st Sess., p. 23. This map was forwarded by Trist on February 12, 1848, ten days after signing the treaty.

²Senate Executive Journal, VIII, 462.

Mexico, on May 30, 1848.³

On June 6, 1848, President Polk placed a message before the Congress which gave notification of the exchange at Queretaro, and requested certain other legislation. The more important of these was an appropriation for some \$12,000,000 as payment to Mexico, \$3,000,000 was paid upon exchange of ratifications; a request for legislation necessary to appoint a commissioner and surveyor to run and mark the boundary, with a notation that treaty provisions required this to commence at San Diego by May 30, 1849; and a request for the establishment of territorial governments in New Mexico and California.⁴ Then on July 4, 1848, President Polk proclaimed the Treaty to be the Law of the Land.⁵

It was natural that Congress concerned itself with information relating to the newly won land. The most pressing problems in which Congress shared a responsibility, involved the potential protection which would necessarily be required. On July 6, 1848, the Adjutant Generals Office provided statistics which indicated the strength of the Army then stood at 8,866 enlisted personnel.⁶ This report al-

³H. Ex. Doc. No. 69, Vol. VIII, Ser. 521, 30th Cong., 1st Sess., p. 62.

⁴Ibid., pp. 62-74. Note that the latter point of territorial governments would require the greater time.

⁵U. S., Statutes at Large, IX, 922-942.

⁶H. Ex. Doc. No. 74, Vol. VIII, Ser. 521, 30th Cong., 1st Sess., p. 2.

so showed that this figure represented members of the regular establishment, after the volunteer units enlisted for the late war with Mexico were discharged.

Information relating to the size of the territory obtained by the Mexican Cession was provided Congress on July 24, 1848. In this message, President Polk accounted for some 526,078 square miles being added to the Union. Also the President informed Congress that insufficient time had elapsed since ratification of the treaty, to allow a search of land grant titles issued by either Spain or Mexico.⁷

Secretary of War William Marcy (1786-1857), transmitted a report to Congress on July 31, 1848, covering various aspects of estimating the forces required to protect the new territories, and the Indian population which they would be assigned to control. In his opinion, 6 or 7 posts, garrisoned by 1,500 to 1,800 men, would constitute a sufficient force to protect California. Then for New Mexico, 3 or 4 posts, garrisoned by some 1,200 men, was considered adequate for protection in that quarter. These forces, in the Secretary's opinion, could control the estimated 16,930 Indians in California, and 31,900 in New Mexico.⁸

⁷H. Ex. Doc. No. 71, Vol. VIII, Ser. 521, 30th Cong., 1st Sess., pp. 1-3.

⁸H. Ex. Doc. No. 76, Vol. VIII, Ser. 521, 30th Cong., 1st Sess., pp. 3-4. It should be noted that this initial appraisal of Indian population was vastly underestimated.

However, President Polk seriously needed Congressional assistance in matters relating to Army strength. On August 1, 1848, he addressed a message to the legislative branch of government, setting forth the troop requirements of the military establishment. The President was of the opinion that he could support the necessary protection plan within the provisions of existing regulation, provided that he could maintain the minimum of sixty-four privates per company, in each of the fifteen authorized regiments. This would allow a force in excess of 10,000 troops, which he considered adequate.⁹

As these facts, figures, and problems were being assimilated by the Congress, they also turned their attention toward the problem of the Boundary Commission. The allowable period of time between ratification and commencing operations was gradually running out.

The Boundary Commission

On August 12, 1848, Congress appropriated some \$50,000 to run and mark the boundary, as set forth in the Treaty of Guadalupe Hidalgo.¹⁰ However, it was the opinion of President Polk, when he delivered his annual address on December 5, 1848, that the Congressional legislation should

⁹H. Ex. Doc. No. 76, Vol. VIII, Ser. 521, 30th Cong., 1st Sess., pp. 1-2.

¹⁰U. S., Statutes at Large, IX, 301.

have specified the exact allowance for pay of the commissioner and surveyor. He requested that legislative action be concluded to accomplish this end.¹¹

John B. Weller (1812-1875) was finally selected as Commissioner, and issued instructions on January 24, 1848.¹² Andrew B. Gray was assigned as the Surveyor, and William H. Emory (1811-1877) drew the appointment as astronomer.¹³ Two additional Army Topographical Officers were assigned to aid Astronomer Emory.¹⁴ Finally, it was intended that the necessary military escort would be provided by the Army Command in California. Even though the organization of the United States Boundary Commission was delayed in forming, they departed by the sea route as quickly as possible.

The Boundary Commission arrived in the Port of San Diego, California, on June 1, 1849, one day late. This was of little import, since the Mexican Commissioner did not arrive at the appointed place until July 3, 1849. Three days

¹¹H. Ex. Doc. No. 1, Vol. I, Ser. 537, 30th Cong., 2nd Sess., p. 15. This was a seven month delay prior to the initial formation of a Boundary Commission.

¹²Sen. Ex. Doc. No. 119, Vol. XIV, Ser. 626, 32nd Cong., 1st Sess., p. 437. Weller was an Army officer with connections in Washington and the Democratic Party. See DAB, XIX, 628.

¹³Ibid., pp. 59-67, passim. Emory was a career officer, who was offered the Boundary Commissionership if he would resign his Army Commission. See DAB, VI, 153.

¹⁴H. Ex. Doc. No. 5, Vol. III, Ser. 570, 31st Cong., 1st Sess., p. 295. Both of these officers would have more responsible assignments on the Second Boundary Commission.

later the Joint Boundary Commission was formed.¹⁵

On July 9, 1849, the initial point of survey was agreed upon by the Joint Commissioners. For the next several weeks, each commission separately worked out their required astronomical observations. Then, on October 4, 1849, Surveyor Gray dispatched a sketch and measurements to Washington, showing the exact location selected to commence their survey.¹⁶ The official entry in the Joint Commission Journal was signed by Commissioner Pedro Garcia Condé for Mexico, and Commissioner Weller for the United States. This entry read in part:

Be it remembered that, on the 10th day of October, A. D. 1849, the undersigned . . . did agree that the demarkation of boundary between the United States and the Mexican republic shall commence at this point. . . . The initial point of the boundary thus solemnly agreed upon is in north latitude $30^{\circ} 31' 59''$.58, and the longitude thereof 7h. 48 min. 21.1 west of Greenwich. . . .¹⁷

Just prior to the completion of establishing the initial point by necessary observation, Astronomer Emory submitted his resignation from the Boundary Commission.¹⁸ This

¹⁵Sen. Ex. Doc. No. 108, Vol. XX, Ser. 832, 34th Cong., 1st Sess., p. 3.

¹⁶Sen. Ex. Doc. No. 34, Vol. X, Ser. 558, 31st Cong., 1st Sess., p. 29.

¹⁷Sen. Ex. Doc. No. 119, Vol. XIV, Ser. 626, 32nd Cong., 1st Sess., p. 59. The longitude given in hours west of Greenwich, would, in more familiar terms, be approximately $117^{\circ} .09'$.

¹⁸Sen. Ex. Doc. No. 108, Vol. XX, Ser. 832, 34th Cong., 1st Sess., p. 7.

did not place a burden on the field work being accomplished, because Emory stayed with the First Boundary Commission throughout its existence in California. On November 3, 1849, Commissioner Weller, in a letter to the Department of State, advised that a temporary monument was emplaced at the site of the initial point, and noted that its location was approximately eighteen miles south of San Diego.¹⁹

As the Boundary Commission was enroute and undertaking its labor in California, the Presidential term of Polk had been completed, and President Taylor occupied the White House. There was, however, no gap in the proceedings of the Boundary Commission, and no change in continuity of policy under the new administration. The First Annual Message of President Taylor was delivered on December 4, 1849, in which he advised Congress that the survey of the boundary was progressing. However, because of the transportation costs in moving supplies inland from the Port of San Diego, the President requested a more liberal appropriation of monies to sustain the Boundary Commission in the field.²⁰ The expenses for transportation alone would continuously plague the progress of running and marking the boundary.

¹⁹Sen. Ex. Doc. No. 34, Vol. X, Ser. 558, 31st Cong., 1st Sess., p. 32.

²⁰H. Ex. Doc. No. 5, Vol. III, Ser. 570, 31st Cong., 1st Sess., pp. 23-25. It should be noted that former President Polk died on June 15, 1849, only 103 days after departing the White House. Taylor's request for a more liberal appropriation resulted in another \$50,000.

Prelude to Adjournment

A party of the First Boundary Commission, headed by Lieutenant A. W. Whipple (1816-1863), was dispatched to the eastern end of the line under survey in November, 1849. The purpose of his mission was to determine the exact confluence of the Rios Gila and Colorado. The Mexican surveyor, José Salazar, accepted an invitation to rendezvous with the United States party, and arrived with his party in Whipple's camp on the last day of that month. By December 15, 1848, the eastern terminus of the line was agreed upon, and a monument erected by Lieutenant Whipple was accepted by Surveyor Salazar as definitive to that line.²¹

Commissioner Weller was forced to advise Washington on January 3, 1850, that the funds provided by the appropriation of August 12, 1848, were exhausted. In view of this circumstance, he would also be forced to adjourn the proceedings of the United States Boundary Commission, just as soon as the Mexican Commissioner could be so advised.²² Unknown to Commissioner Weller at this time, a letter was enroute to him bearing the date of December 19, 1849, with the information that his services to the commission were no longer required. This intelligence, however, did not reach

²¹Sen. Ex. Doc. No. 34, Vol. X, Ser. 558, 31st Cong., 1st Sess., p. 34. Whipple was a career officer in the Army and an assistant to Emory. See DAB, VI, 153.

²²Ibid., p. 38.

the Commissioner until March 1, 1850.²³ In the meantime, the Joint Boundary Commission was re-assembled to sign a Journal entry, reflecting the work of Lieutenant Whipple and Surveyor Salazar, on January 28, 1850, which read in part:

It is agreed that the geographical position of the precise point which is designated in the treaty as "the middle of the Gila, where it unites with the Colorado," is that of the north latitude $32^{\circ} 43' 32''$, and 7 hours 38 minutes west of Greenwich meridian. . . .²⁴

The crisis precipitated by the lack of funds, culminated in adjournment of the Joint Boundary Commission on February 13, 1850. It was also decided at that time, to reconvene the Joint Commission at El Paso on the first Monday of November, 1850.²⁵ On May 20, of that year, the Secretary of the Interior, Thomas Ewing (1789-1871), reported to Congress that Commissioner Weller had expended nearly \$49,000, and estimated an arrears of an additional \$35,000 in unpaid indebtedness existing for the accounts of the United States Boundary Commission in California. The Secretary then requested an appropriation of \$135,000 to continue the operation of boundary survey.²⁶

²³Sen. Ex. Doc. No. 119, Vol. XIV, Ser. 626, 32nd Cong., 1st Sess., p. 74.

²⁴Ibid., p. 99. This longitude is approximately $114^{\circ} 20.5'$ west. See Fig. 9, for points surveyed on boundary.

²⁵Sen. Ex. Doc. No. 34, Vol. X, Ser. 558, 31st Cong., 1st Sess., pp. 31-38.

²⁶Ibid., Part II, p. 1. Ewing was the real architect of the Department of the Interior. See DAB, VI, 237-238.

FIRST BOUNDARY COMMISSION SURVEY 1849-1850

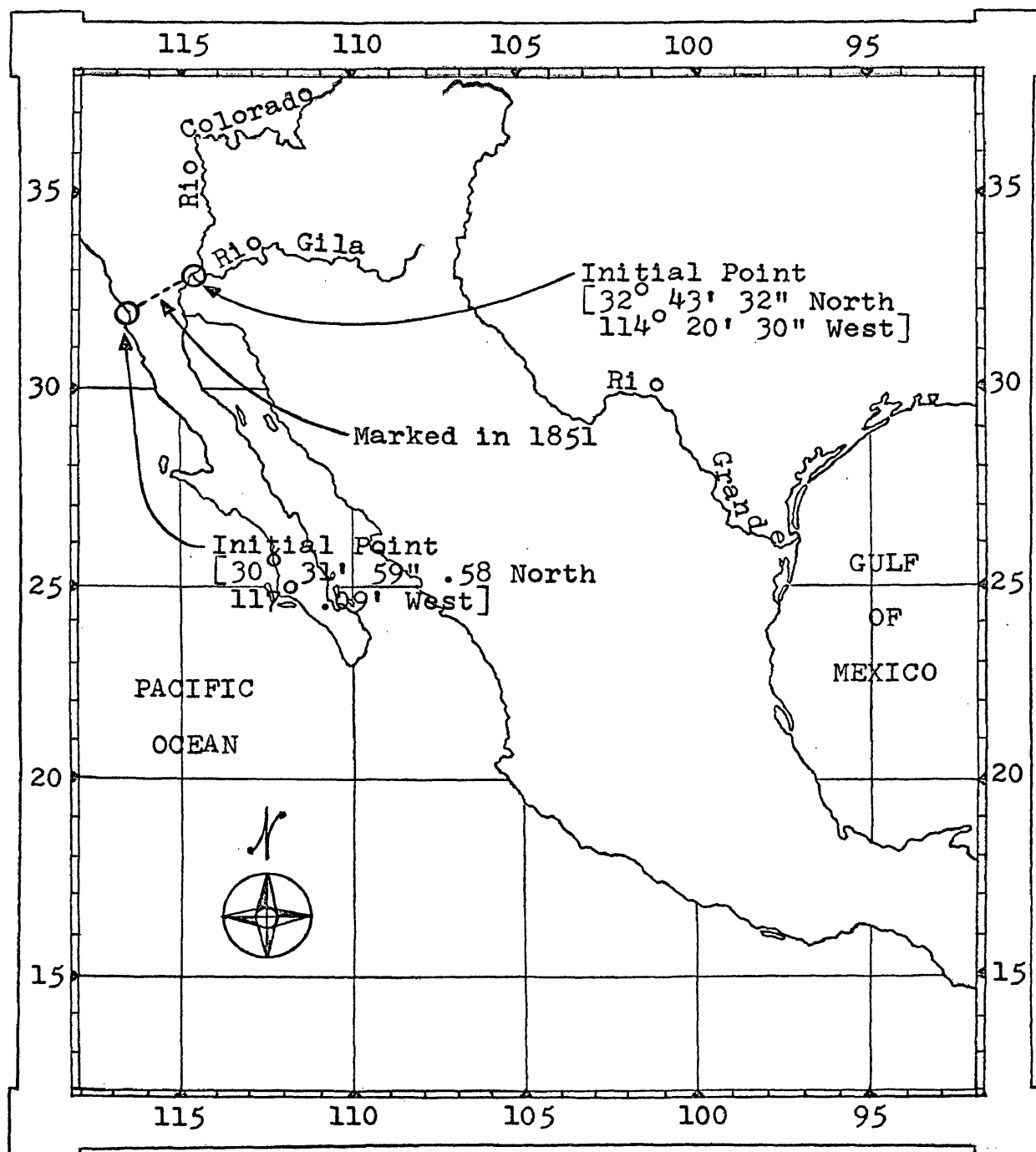


Fig. 9.

As a result of the suspension of survey operations and the adjournment of the Joint Boundary Commission, Luis dé la Rosa of the Mexican Legation in Washington, addressed a note to the Secretary of State on April 20, 1850. This read in part:

The labors of the commission charged with settling the boundaries between Mexico and the United States . . . have been interrupted and suspended. . . and postponed until the month of November of the present year. . . no blame whatever may be imputed to the government of Mexico. . . . The republic of Mexico has expended . . . more than forty thousand dollars. If these expenses, or any part of them, should prove to have been useless . . . the undersigned trusts that the government of the United States will not deny to Mexico the right of claiming indemnification for these losses.²⁷

The First United States Boundary Commission ended its field work amid considerable demoralizing influences. However, despite these circumstances, the ascertainment of two initial points of survey would have lasting effect. Provisions were also made to run and mark the boundary line between these points.

New Mexico

In the same period of time that President Polk concerned himself about governments in the newly won territories, and requesting the enabling legislation from Congress, the inhabitants of New Mexico were assembled in convention.

²⁷Sen. Ex. Doc. No. 119, Vol. XIV, Ser. 626, 32nd Cong., 1st Sess., p. 3. It would not become necessary to claim indemnification, as these points were undisputed.

to recommend this same end. The petition signed by these peoples on October 14, 1848, was forwarded to Congress by the convention some two months later.²⁸ Their purpose was to establish civil government and law, just as soon as feasible. In the interim, however, the population would have to be content with military administration.

Army General Order Number 49, of August 31, 1848, established the unorganized territory of New Mexico as the 9th Military Department. The compliment assigned under this order included two companies of artillery, four of dragoons, and a full regiment of infantry, reinforced with four additional infantry companies. In addition to the units mentioned above, the directive required the establishment of one post at the confluence of the Rios Gila and Colorado, with another at El Paso.²⁹

As might be expected, the creation of a Military Department did not deploy the forces across the territory of New Mexico. Additionally, the intended distribution of these forces by the criteria established, placed the post at El Paso, Texas, within the troop listing for New Mexico. This problem was compromised on November 7, 1848, upon assignment of commanders to these new departments. The Army

²⁸Sen. Misc. Doc. No. 5, Vol. I, Ser. 533, 30th Cong., 2nd Sess., p. 1.

²⁹H. Ex. Doc. No. 1, Vol. I, Ser. 537, 30th Cong., 2nd Sess., p. 180. Though not always on the same sites, these posts would become Forts Yuma and Bliss.

elected to assign both the Military Departments of Texas and New Mexico to a single officer.³⁰ The build-up of troop strength was slow, and in many incidences the population was forced to call upon their own resources.

The Compromise of 1850

It becomes necessary to review the circumstances by which New Mexico obtained a civil form of government. The serious beginning of overt action to provide this contingency began with President Taylor's First Annual Address on December 4, 1849. He recommended the admission of California as a State into the Union.³¹ From this consideration, Senator Clay brought forth a series of resolutions on the Senate floor, January 29, 1850, concerning not only California and New Mexico, but encompassing the issues of slavery and remedial payments to Texas for territorial adjustments.³²

Senator Clay's resolutions were referred to a Select Committee of Thirteen, of which he became the chairman. A report was issued by this committee on May 8, 1850, which generally covered in its recommendation, those provisions for California, Texas, and New Mexico, which were advanced

³⁰Ibid., p. 183.

³¹H. Ex. Doc. No. 5, Vol. III, Ser. 570, 31st Cong., 1st Sess., p. 11.

³²Congressional Globe, XXI, 244-247.

by the Senator in January. Additionally, an omnibus bill was offered to implement their recommendations into legislation.³³

A general debate followed in the Congress, lasting for months, which brought the Union near the breaking point. The issue of slavery and the ramifications, both real and imaginary, of the theory of "squatters sovereignty," necessitated the most extreme effort on the part of our most able statesmen to reach a compromise. Instead of one general bill, in September a series of separate legislative acts were finally evolved. For the purpose of New Mexico, the bill providing civil government was signed on September 5, 1850.³⁴

Thus, after a delay of less than two years, the inhabitants of the Territory of New Mexico were rewarded for their original effort. However, the mania on both sides of the issue of enforced servility, spread like a shadow to engulf the entire Union.

The Indian Incursion Problem

During the immediate post-war years of 1848 to 1850, the United States was unable to draw upon previous experience to cope with the new southwestern Indian problem. The

³³Sen. Rept. No. 123, Vol. I, Ser. 565, 31st Cong., 1st Sess., p. 11.

³⁴U. S., Statutes at Large, IX, 447.

orientation of previous major United States policy, was toward the removal of eastern Indian nations, and driving indigenous plains Indians continuously westward. Now they were faced with the requirement of containment, and the protection of Mexico's northern frontiers from incursions, under the provisions of Article XI, of the Treaty of Guadalupe Hidalgo.³⁵

Article XI of the treaty basically originated with the legislature of the Mexican State of Chihuahua. This body submitted a recommendation to their central government, which suggested that any treaty to be concluded with the United States to end the Mexican War, should include sufficient safeguards to protect the frontier population.³⁶ One of these safeguards was eliminated by the Congress of the United States during the ratification of the Treaty of Guadalupe Hidalgo. This pertained to allowing the Indians to be supplied with arms. The Congress could not rationalize between the means of making war and the requirement to subsist by the chase.³⁷

With the commitment to prevent incursions upon northern Mexico, the Adjutant General of the Army reported on December 2, 1848, that the total strength of officers and

³⁵Sen. Ex. Doc. No. 52, Vol. VII, Ser. 509, 30th Cong., 1st Sess., pp. 50-52.

³⁶Ibid., p. 176.

³⁷Congressional Globe, New Series No. 1, p. 495.

men in New Mexico stood at 616.³⁸ Over the period of the next twelve months, this compliment was raised to a force of only 885.³⁹ An early report of the employment of these forces was issued by Lieutenant Colonel J. M. Washington on February 3, 1849. This provided information to the effect that many captives were recovered from the Indians and returned to their homes in Mexico.⁴⁰ This same officer, in a report dated September 23, 1849, estimated that 1,000 mounted men would be necessary to control the Indians of New Mexico. Moreover, he emphasized the relative uselessness of infantry troops and praised the effectiveness of mounted forces.⁴¹

In addition to the Army forces stationed within the territory of New Mexico, several occasions arose which required that volunteer militia units be mustered into service for specific campaigns against the Indians. Two examples of New Mexican inhabitants taking to the field were in March 1849, and again in July 1850.⁴² The campaigns generally were punitive in nature, and conducted against specific tribes who had committed depredations against the settlers.

³⁸H. Ex. Doc. No. 1, Vol. I, Ser. 537, 30th Cong., 2nd Sess., p. 74.

³⁹H. Ex. Doc. No. 5, Vol. III, Ser. 569, 31st Cong., 1st Sess., p. 184.

⁴⁰Ibid., p. 105.

⁴¹Ibid., p. 110.

⁴²Ibid., pp. 107-110., and Sen. Ex. Doc. No. 1, Vol. I, Ser. 587, 31st Cong., 2nd Sess., p. 74.

On December 3, 1849, Congress was reminded that public land laws had not as yet been extended into the territories of New Mexico, California, and Oregon.⁴³ When such provisions were to be accomplished, it would be divested upon the Department of the Interior to carry out the law. In its report of November 30, 1849, the Department requested the authorization and necessary appropriations to implant Indian Agents in the three new territories. It was pointed out that the:

Actions of this department will be, for many reasons, ineffectual to secure that extensive frontier from depredations, or give the protection stipulated by treaty to the adjacent provinces of Mexico.⁴⁴

To further focus attention on the mounting problem in the unorganized territory of New Mexico, the Secretary of War submitted a report to Congress on November 30, 1849. In substance, it was pointed out that this territory was virtually surrounded by predatory Indian tribes, and emphasized the necessity of providing additional forces for adequate protection.⁴⁵ At the same time, the Army field forces were concluding treaties with certain tribes. One was negotiated with the Navajo Indians on September 9, 1849, and another

⁴³H. Ex. Doc. No. 5, Vol. III, Ser. 569, 31st Cong., 1st Sess., p. 8.

⁴⁴Ibid., p. 15. The Indian Agent system would be another requirement forced to await territorial status.

⁴⁵Ibid., p. 91. This continuing condition of the Army would not attain favorable consideration by Congress.

with the Ute tribe on December 15, 1849.⁴⁶ These compacts were forwarded to the Senate for ratification early the following year.

There was little doubt that the territory of New Mexico was a vast area to cover, and that the troop strength was not only inadequate, but deficient in dragoons and cavalry. This also effected the plans and operations of the United States Boundary Commission. Surveyor Emory reported to the State Department on April 2, 1850, that Santa Cruz and Fronteras were abandoned by their Mexican population. These two frontier towns were to have furnished the Commission with necessary supplies as the survey parties conducted operations in their proximity.⁴⁷

On the diplomatic front, it soon became necessary, and certainly justified in their view, for the Mexican Foreign Office to submit a note of protest to the United States Department of State. President Taylor transmitted this note to the Congress on April 3, 1850, which read in part, that:

The Mexican government . . . will at the same time see with regret that the efforts hitherto made by the government of the United States to prevent or punish the inroads of the savages upon the frontier States of that republic have been ineffectual, from the want of a military force sufficient to restrain

⁴⁶James D. Richardson, A Compilation of the Messages and Papers of the Presidents (10 vols.; New York: Bureau of National Literature, 1897), VI, 2571. Cited hereafter as Richardson, Messages.

⁴⁷Sen. Ex. Doc. No. 34, Vol. X, Ser. 558, 31st Cong., 1st Sess., p. 14.

and repress the Indians, and from the want, moreover, of funds to cover the great expenses rendered necessary by the eleventh article of the treaty of Guadalupe Hidalgo. . . . The undersigned again calls to the attention of the honorable Secretary of State to the necessity of putting an end to the atrocities of all kinds so frequently committed by the wild Indians residing in the territory of the United States on the inhabitants of the frontiers of Mexico.⁴⁸

Congress meditated on the mounting series of reports and protests concerning Indian incursions upon Mexico, and the depredations inflicted upon our own settlers. The solution was reported on August 19, 1850. In the opinion of the legislative branch, the authorization given the President to mount a force of infantry troops then serving on the western frontier, equal to one regiment, would be sufficient.⁴⁹ This Congressional confrontation with the Indian problem provided little relief to the hard pressed Army forces, nor to the victimized population on either side of the frontier between the United States and Mexico.

⁴⁸Sen. Ex. Doc. No. 44, Vol. X, Ser. 558, 31st Cong., 1st Sess., pp. 1-2.

⁴⁹Sen. Rept. No. 183, Vol. I, Ser. 565, 31st Cong., 1st Sess., p. 1.

CHAPTER III

THE SECOND BOUNDARY COMMISSION 1850 - 1853

Re-organization

The administration of President Taylor was faced with the task of reconstituting the United States Boundary Commission early in 1850, by virtue of Commissioner Weller's removal and Astronomer Emory's resignation. John C. Frémont (1813-1890) was first appointed to fill the vacancy of Commissioner, but declined to serve when elected to the office of Senator from the State of California¹ President Taylor then appointed John Russell Bartlett (1805-1886), who accepted his commission on June 19, 1850.² This allowed less than four and a half months to complete a re-organization and transport the United States Boundary Commission to El Paso for the rendezvous with their Mexican counterparts on

¹John Russell Bartlett, Personal Narrative of Explorations and Incidents . . . During the Years 1850, '51, '52 and '53 (2 vols.; New York: D. Appleton & Company, 1854), I, 3. Cited hereafter as Bartlett, Personal Narrative. It should be noted that Frémont's term as U. S. Senator from California lasted only until March 4, 1851. See DAB, VII, 19-23.

²Sen. Ex. Doc. No. 119, Vol. XIV, Ser. 626, 32nd Cong., 1st Sess., p. 87. Bartlett was better known as a Bibliographer, See DAB, II, 7.

about November 1, 1850.

Of the former principal officials on the United States Boundary Commission, only Andrew B. Gray was retained.³ As a result of illness he did not depart for El Paso with the main body under Bartlett. Colonel John McClellan was appointed to fill the vacancy of Chief Astronomer.⁴ Thus, a situation had developed which found that two of the three major positions on the Second Boundary Commission were held by new personnel.

Some continuity in lesser posts existed as Commissioner Bartlett was able to retain the services of Lieutenant Whipple and Captain Hardcastle in the posts they held on the first Boundary Commission. The former officer proceeded with the main body to El Paso, while the latter remained in California to complete the marking of the boundary line from south of San Diego to the junction of the Rios Gila and Colorado.⁵ Even though these two officers were not of high rank, their prior experience as Assistant Astronomers provided needed services.

The instructions issued to Bartlett's Boundary Commission by the Secretary of the Home Department, Thomas Ewing, were specific on both the east and west extremities,

³Bartlett, Personal Narrative, I, 6.

⁴Sen. Ex. Doc. No. 34, Vol. X, Ser. 558, 31st Cong., 1st Sess., pp. 12-13.

⁵Bartlett, Personal Narrative, I, 6.

but seemingly carte blanche in the center section. This read in part that:

The remainder of the boundary runs along the middle of the Rio Gila and the Rio Grandé, with the exception of that portion of it between. . . . In regard to this latter portion of the line it is impossible to give you specific instruction, for the want of accurate geographical information. It can only be ascertained by examination and survey upon the ground.⁶

Establishing the Initial Point

On November 13, 1850, the advance party of the United States Boundary Commission under Bartlett arrived at the United States military post of El Paso on the north bank of the Rio Grande.⁷ His first order of business was to inform the Mexican Commissioner, General Condé, who was known to be at Chihuahua, that they were available to proceed with the operation charged to the Joint Boundary Commission.⁸ Later in the month, on November 28, 1850, the mule train portion of the United States Commission arrived to join Commissioner Bartlett.⁹

General Condé and the Mexican Commission arrived at El Paso on December 1, 1850.¹⁰ Arrangements were completed

⁶Sen. Ex. Doc. No. 34, Vol. X, Ser. 558, 34th Cong., 1st Sess., p. 4. The designation Home Department was subsequently changed to Department of the Interior.

⁷Bartlett, Personal Narrative, I, 136.

⁸Ibid., I, 145. ⁹Ibid., 149.

¹⁰Ibid., I, 150.

for opening the second set of journals for the Joint Boundary Commission. Their first official meeting was conducted on December 3, 1850.¹¹ For the period of time both Commissions were present in the El Paso area, they met twice a week for the purpose of establishing an initial point for the survey.¹²

During the first month of the Second Joint Boundary Commission, Lieutenant Whipple situated a temporary astronomical observatory in San Eleazario. In February, 1851, a permanent site was selected and established at Frontera, some eight miles upstream from El Paso.¹³ The observations conducted at these sites prefaced the compromise soon to be entered into by Commissioner Bartlett and General Condé.

The certified Disturnell map that was appended to the Treaty of Guadalupe Hidalgo was found to be in geographical error. Observation established the position of El Paso to be at $31^{\circ} 45'$ north latitude, instead of $32^{\circ} 15' 30''$ as indicated.¹⁴ This placed the physical location of the town just over thirty minutes south of its map position. Another critical error was ascertained in the location of the inter-

¹¹Sen. Ex. Doc. No. 41, Vol. VII, Ser. 665, 32nd Cong., 2nd Sess., p. 2. Note that this was the second occasion for a late starting date.

¹²Bartlett, Personal Narrative, I, 151.

¹³Ibid., I, 176.

¹⁴Sen. Ex. Doc. No. 1, Vol. I, Ser. 658, 32nd Cong., 2nd Sess., p. 51.

section of $32^{\circ} 22'$ north latitude and the Rio Grande. The physical location of this point was determined to be at $106^{\circ} 40'$ west longitude, instead of $104^{\circ} 40'$ as indicated on the map.¹⁵ Here was a discrepancy that placed the geographical location of the Rio Grande some two degrees further west than Disturnell's map so indicated.

Subsequent meetings of the Joint Boundary Commission investigated numerous maps that indicated various southern boundaries for New Mexico. Depending on the source, it could have been $32^{\circ} 22'$, $32^{\circ} 36'$, $32^{\circ} 50'$, or $32^{\circ} 57' 43''$ north latitude.¹⁶ Commissioner Bartlett and General Condé finally agreed to select $32^{\circ} 22'$ north latitude, $106^{\circ} 40'$ west longitude as the initial point for the survey.¹⁷ The Disturnell map was divided into an appropriate scale of minutes between the latitude and longitude lines. Extension of the line westward from the initial point, through an arc of three degrees, gave the southern boundary of New Mexico a line of some 175.28 English miles.¹⁸ The Joint Boundary Commission thus accepted a line commencing on the latitude indicated on the certified map, but at a point some two de-

¹⁵Bartlett, Personal Narrative, I, 201.

¹⁶Sen. Ex. Doc. No. 41, Vol. VII, Ser. 665, 32nd Cong., 2nd Sess., pp. 7-8.

¹⁷Bartlett, Personal Narrative, I, 177. It was upon this decision that Bartlett was later taken to task.

¹⁸Sen. Ex. Doc. No. 41, Vol. VII, Ser. 665, 32nd Cong., 2nd Sess., p. 3.

grees further westward.¹⁹

The Surveyor assigned to the United States Boundary Commission, Andrew B. Gray, had not as yet arrived at El Paso when the Bartlett-Condé agreement was consummated. In view of the fact that Lieutenant Whipple played a principal part in the proceedings, Commissioner Bartlett appointed him as the surveyor ad interim, and obtained his acquiescence.²⁰ The Joint Boundary Commission completed its formal ceremony at the initial point during April, 1851.²¹

In the period of the time from entry into discussion of the initial point of survey and its ultimate conclusion, the Secretary of State, Daniel Webster (1782-1852), received complaints from the Mexican Envoy in Washington. The substance of a letter filed by Luis de la Rosa, dated March 11, 1851, castigated the United States Boundary Commission for conducting transportation surveys. He concluded by noting that ". . . if the commission were to be confined to the simple duty of fixing the boundary . . . this might be accomplished in nine months."²²

¹⁹Bartlett, Personal Narrative, I, 201.

²⁰Ibid., I, 205.

²¹Ibid., I, 206. See Fig. 10, for the Bartlett-Condé Agreement line. Also note the positions of the Disturnell map location of El Paso, and its actual position.

²²Sen. Ex. Doc. No. 120, Vol. XV, Ser. 627, 32nd Cong., 1st Sess., pp. 3-4. This was Webster's second appointment to the office of Secretary of State. See DAB, XIX, 585-592.

BARTLETT-CONDE AGREEMENT LINE OF 1851

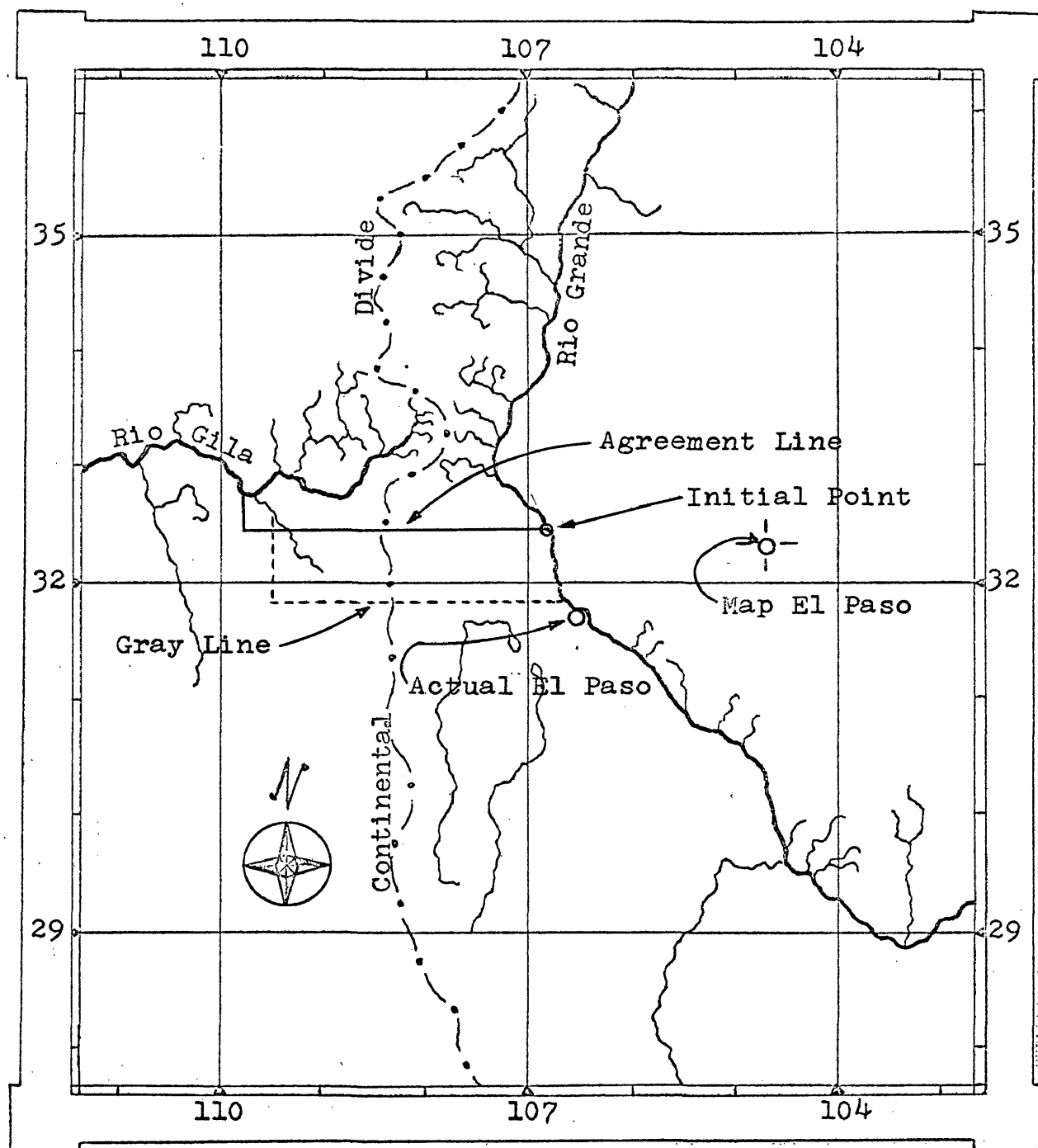


Fig. 10.

The Initial Point Disputed

When the United States Surveyor Gray finally arrived at the camp of the Joint Boundary Commission, he attended a meeting with General Condé and Commissioner Bartlett on July 21, 1851.²³ Upon being advised of the agreement concluded prior to his arrival, Surveyor Gray addressed a letter to Commissioner Bartlett on July 25, 1851, in which he voiced objection to the selection of an initial point, and advised that work cease.²⁴ With the Surveyor as a dissenter, Commissioner Bartlett was forced to inform Secretary of the Interior, Alexander H. H. Stuart (1807-1891), by letter on August 8, 1851, of the exact nature of the dispute and also to report that work on the line was suspended.²⁵

Commissioner Bartlett, General Condé, and Commissioner Gray were forced to wait for the fourth member of the Joint Boundary Commission, because the Mexican Boundary Commission was split at this time into two main parties. It was not until September 5, 1851, that the Mexican Surveyor and Astronomer, José Salazar, arrived at the base camp to join the other three officials. He had at that time com-

²³Bartlett, Personal Narrative, I, 341.

²⁴Ibid.

²⁵Sen. Ex. Doc. No. 119, Vol. XIV, Ser. 626, 32nd Cong., 1st Sess., p. 145. Stuart had served one term as an U. S. Representative from Virginia in 1841-1843, prior to President Fillmore appointing him as Secretary of Interior in 1850. See DAB, XVIII, pp. 160-161.

pleted the survey from the initial point on a line running to three degrees westward.²⁶

The Department of the Interior backed the viewpoint of Commissioner Bartlett, and Secretary Stuart first requested Surveyor Gray to sign the agreement.²⁷ However, within four days of this communication, Secretary Stuart dispatched two additional letters to the United States Boundary Commission. Dated on November 4, 1851, the first of these addressed to Surveyor Gray, relieved him of his duties.²⁸ The second letter of that date was addressed to Commissioner Bartlett, and contained new instructions to the effect that the Commissioner had complete authority in disputes, until the Department may render a final decision in such cases.²⁹ Secretary Stuart then re-appointed William H. Emory to the United States Boundary Commission to replace Andrew B. Gray as Commissioner and Surveyor. When directed to sign the Bartlett-Condé Agreement, Commissioner Emory did so with reservation.³⁰

²⁶Bartlett, Personal Narrative, I, 375.

²⁷Sen. Ex. Doc. No. 119, Vol. XIV, Ser. 626, 32nd Cong., 1st Sess., p. 118.

²⁸Ibid., p. 121. The tenacity of Gray cost him his position on the United States Boundary Commission, however, on this point he was absolutely correct. The treaty was specific on the boundary location above "El Paso."

²⁹Ibid., p. 119.

³⁰Sen. Ex. Doc. No. 108, Vol. XX, Ser. 832, 34th Cong., 1st Sess., p. 17.

Washington Inquiry

As the United States Boundary Commission was being re-constituted in the southwest, the impetus for its being was shifted to the seat of Government at Washington in early 1852. In January, the Mexican charge d' affaires, José M. Gonzales d' la Vega, addressed Secretary of State Webster with the opinion that:

The Mexican government does not believe that the appointment ad interim of Lieutenant Whipple by Mr. Bartlett, alone, can give rise to any question as to the legality of the boundary line, but it thinks it indispensable to communicate this incident to the government of the United States. . . .³¹

In February 1852, Secretary of State Webster and Secretary of the Interior Stuart exchanged notes on the subject of Lieutenant Whipple's appointment. Secretary Stuart justified the action on the grounds of Surveyor Gray's extended illness, which prevented him from fulfilling the requisite duties.³² The actions of Commissioner Bartlett came under additional scrutiny as a Senate resolution of April 2, 1852, was answered for the Department of the Interior by forwarding a copy of charges filed against that official, over the signature of Astronomer McClellan of the United States

³¹Sen. Ex. Doc. No. 120, Vol. XV, Ser. 627, 32nd Cong., 1st Sess., p. 2. The Mexican Commissioner to the Joint Boundary Commission, General Condé, had died the previous month of fever.

³²Sen. Ex. Doc. No. 119, Vol. XIV, Ser. 626, 32nd Cong., 1st Sess., p. 124. This was noted in the original reorganization, when Gray did not depart with Bartlett.

Boundary Commission.³³ Even though these charges would not be sustained, it was indicative of the depth of the Senate's probe into the matters pertaining to the United States Boundary Commission.

The tempo of inquiry began a sharp rise on June 28, 1852, when the Texas delegation of the United States Congress requested President Millard Fillmore (1800-1874), to correct the mistake perpetrated by the Bartlett-Condé agreement.³⁴ The report prepared by Secretary Stuart in answer to these allegations was forwarded to the Senate by President Fillmore on July 26, 1852.³⁵ In substance, the Executive Department's position can be summarized by the lines in Secretary Stuart's report, as he wrote:

I am of the opinion that, according to the true meaning and intent of the treaty, the diplomatic power is confided in the commissioners alone, and that the surveyors are mere ministerial agents to run and mark the line agreed on by the commissioners.³⁶

On the following day the Senate adopted a resolution calling for the correspondence of the Mexican officials in Washing-

³³Sen. Ex. Doc. No. 60, Vol. IX, Ser. 620, 32nd Cong., 1st Sess., p. 1.

³⁴Sen. Ex. Doc. No. 6, Vol. I, Ser. 688, 33rd Cong., Spec. Sess., p. 141. Millard Fillmore was the thirteenth President of the United States, and most renowned for the Compromise of 1850. See DAB, VI, 380-382.

³⁵Sen. Ex. Doc. No. 131, Vol. XV, Ser. 627, 32nd Cong., 1st Sess., p. 1.

³⁶Ibid., p. 2. In one way this argument was weak, since two commissions were issued, to Bartlett and Gray.

ton, Luis de la Rosa [note of March 1851] and José M. Gonzales de la Vega [note of January 1852], which President Fillmore transmitted on July 29, 1852.³⁷

The Senate Committee on Foreign Relations considered all of the information on hand concerning the United States Boundary Commission, and completed their report for action by the floor on August 20, 1852. In refuting nearly every viewpoint held by the Executive Department, they disavowed the authority of Commissioner Bartlett in establishing a boundary at a location other than eight miles above El Paso, and that Secretary Stuart could arbitrarily divert the responsibility of the United States Boundary Commission onto a single commissioner.³⁸ To reinforce this position, the Congress of the United States restrained the Executive Department with a proviso to the appropriation bill for the United States Boundary Commission, as passed on August 31, 1852. The substance of this proviso precluded disbursement of the appropriated funds except as indicated on the boundary line set forth on the Disturnell map appended to the Treaty of Guadalupe Hidalgo.³⁹

President Fillmore opened an exchange of notes with

³⁷Sen. Ex. Doc. No. 120, Vol. XV, Ser. 627, 32nd Cong., 1st Sess., p. 1. For these notes see Supra., pp. 54 & 58.

³⁸Sen. Rept. No. 345, Vol. II, Ser. 631, 32nd Cong., 1st Sess., pp. 2-3.

³⁹U. S., Statutes at Large, X, 94-95.

Secretary Stuart on September 10, 1852, requesting the means available to the Department of the Interior in ascertaining the extent of his authority to expend any portion of the appropriation for the United States Boundary Commission.⁴⁰

Then on October 14, 1852, President Fillmore returned the Department of the Interior's Boundary Commission dossier with an intimation of taking the case to the public.⁴¹ However, President Fillmore decided to take his case to the Congress, and requested on December 6, 1852, that the proviso be sufficiently modified to enable expenditure of the appropriation of August 31, 1852.⁴²

Secretary Stuart reported to the Senate on December 22, 1852, that the funds appropriated on August 31, 1852, as yet unexpended, and those requested in the current budget, would be sufficient to complete the field work of the United States Boundary Commission.⁴³ In response to an additional request from the Senate, a Department of the Interior fiscal accounting report was made available on January 12, 1853, showing the actual expenditures of the United States Bound-

⁴⁰Sen. Ex. Doc. No. 6, Vol. I, Ser. 688, 33rd Cong., Spec. Sess., p. 164.

⁴¹Ibid.

⁴²Sen. Ex. Doc. No. 1, Vol. I, Ser. 658, 32nd Cong., 2nd Sess., p. 10.

⁴³Sen. Ex. Doc. No. 9, Vol. III, Ser. 660, 32nd Cong., 2nd Sess., p. 2. It should be noted in this regard, that Secretary Stuart was not the only head of the Department of the Interior caught in the trap of under-estimating.

ary Commission as \$479,174.93 to that date.⁴⁴ The latter figure did not include the funds anticipated from the appropriation of 1852, nor those requested for the year 1853.

Boundary Commission Eliminated

The fiscal restraint placed on the Executive Department was nearly sufficient in itself to cause the United States Boundary Commission to falter. On December 23, 1852, an act of Congress granted release of funds for exclusive use of running and marking the boundary downstream from El Paso.⁴⁵ A Select Committee of the Senate reported to the floor on January 12, 1853, despite this recent act:

The committee have, therefore, come to the conclusion that the term of the office of the commissioner and surveyor of the United States on the Mexican boundary expired on the first day of January last, by virtue of the Act of May 15, 1850 . . . "shall terminate and cease at the expiration of three years from the first day of January, 1850." and there has been no subsequent legislation of Congress which has, in any respect, modified, or repealed the force of that law.⁴⁶

Hardly could there have been a more final death knell sounded for the Second United States Boundary Commission. The now former Commissioner Bartlett filed a report with the Senate on February 14, 1853. This review of all

⁴⁴Sen. Ex. Doc. No. 6, Vol. I, Ser. 688, 33rd Cong., Spec. Sess., p. 29.

⁴⁵Sen. Rept. No. 401, Vol. I, Ser. 671, 32nd Cong., 2nd Sess., p. 2.

⁴⁶Ibid., p. 3.

previous records revealed very little not already known to Congressional members. One exception, which did nothing to help the Executive Department's case, was a letter from one Ramon Ortiz, dated October 5, 1852, to the effect that the unusual wording of the Treaty of Guadalupe Hidalgo, with respect to El Paso, was inserted to insure the retention of that village by Mexico.⁴⁷ This point was well understood by the Legislative Branch and readily conceded, but their concern was leveled at the some 5,250 square miles ceded by the Bartlett-Condé Agreement, as backed by the Executive Branch of Government.

On March 21, 1853, in the Special Session of Congress, a report was filed by the Department of the Interior. This report indicated that the survey of the boundary was complete from the Pacific Ocean to the supposed boundary of New Mexico on the upper Rio Gila, and from El Paso downstream on the Rio Grande to Laredo, Texas.⁴⁸ Later in the year, Robert McClelland (1807-1880), Secretary of the Interior under President Franklin Pierce (1804-1869), reported to the House of Representatives that the entire question of the southwestern boundary with the Republic of Mexico had been referred to the Department of State as a subject of

⁴⁷Sen. Ex. Doc. No. 41, Vol. VII, Ser. 665, 32nd Cong., 2nd Sess., p. 7.

⁴⁸Sen. Ex. Doc. No. 6, Vol. I, Ser. 688, 33rd Cong., Spec. Sess., p. 31. This statement was true as far as the Treaty of Guadalupe Hidalgo was concerned.

negotiation between foreign powers.⁴⁹ The Second United States Boundary Commission ceased to exist under any branch of government, mainly on the face of negative legislation which refused to feed it and then permitted a natural death to overtake it.

Indian Incursions Continue

The tempo of Indian incursion upon the population in the southwest, on both sides of the border, increased during the years 1850 through 1853. On December 5, 1850, Luis de la Vega of the Mexican Legation in Washington, submitted a protest note to Secretary of State Webster, along with a request for positive action by the United States to prevent such incursions.⁵⁰ However, the ability of our government to provide protection was realistically brought into focus when early the next year Commissioner Bartlett reported that the loss of animals to the United States Boundary Commission, through theft by Indian obtruders, amounted to 150.⁵¹

One of the fundamentals pertaining to the Indian

⁴⁹H. Ex. Doc. No. 1, Vol. I, Ser. 710, 33rd Cong., 1st Sess., p. 64. McClelland was a lawyer and former Governor of Michigan prior to his appointment to his office. See DAB, XI, 586-587. Franklin Pierce was the fourteenth President of the United States, formerly a lawyer, congressman, and BGen. in the Mexican War. See DAB, XIV, 576-580.

⁵⁰H. Ex. Doc. No. 4, Vol. II, Ser. 595, 31st Cong., 2nd Sess., p. 2.

⁵¹Bartlett, Personal Narrative, I, 353. This was a continuing problem for both United States and Mexico.

problem involved the nomadism of the tribes. A report in 1851, from the Military Department of the Pacific, pointed out that in the regions north and south of the Rio Gila, the United States was not solely responsible for Indian incursions, since these tribes originated in Mexico and their mobility made them interlopers upon the United States.⁵² Conversely, even more serious charges were later leveled against Mexico for sheltering Wild Cat and his band of Floridian Indians, who were conducting raids across the Rio Grande into Texas.⁵³

In his Second Annual Message on December 2, 1851, President Fillmore admitted to the fact of Indian depredations along the frontier of Mexico.⁵⁴ Commissioner Bartlett forwarded his empirical experiences in the Mexican States of Sonora and Chihuahua, by a report to the Department of the Interior dated February 19, 1852. In substance, he narrated that neither the extent nor degree of devastation had been exaggerated, with abandoned ranches, depopulated villages, and attacks upon the Mexican population in widespread evidence.⁵⁵ The peoples to the north of the frontier in the

⁵²Sen. Ex. Doc. No. I, Vol. II, Ser. 746, 33rd Cong., 2nd Sess., p. 29.

⁵³H. Ex. Doc. No. 15, Vol. IV, Ser. 782, 33rd Cong., 2nd Sess., pp. 4 & 8.

⁵⁴H. Ex. Doc. No. 2, Vol. II, Ser. 635, 32nd Cong., 1st Sess., pp. 15-16.

⁵⁵Sen. Ex. Doc. No. 6, Vol. I, Ser. 688, 33rd Cong.,

United States fared equally in depredations at the hands of the Apache tribe, as so reported by the Commissioner of Indians later in 1852.⁵⁶ The next year, 1853, the Governor of New Mexico and a United States Indian Agent both submitted illuminating reports which charged the same tribe with almost daily horrifying depredations.⁵⁷

One obvious reason for the increase in depredations committed by those tribes west of El Paso involved the conditions under which Texas joined the Union. In the enabling statute there was no provision made for reserving Indian lands.⁵⁸ As the population and the local government institutions of Texas moved westward, the Indians were driven onto less sustaining lands and near destitution.⁵⁹

As early as 1850, Secretary of the Interior Stuart lamented the absence of legislation to establish Indian Agents in New Mexico.⁶⁰ In the neighboring State of Texas, these Federal Agents did manage to obtain release of seven-

Spec. Sess., pp. 94-99.

⁵⁶Sen. Ex. Doc. No. 1, Vol. I, Ser. 658, 32nd Cong., 2nd Sess., p. 299.

⁵⁷Sen. Ex. Doc. No. 1, Vol. I, Ser. 690, 33rd Cong., 1st Sess., pp. 430 & 434.

⁵⁸U. S., Statutes at Large, V, 797-798.

⁵⁹Sen. Ex. Doc. No. 1, Vol. I, Ser. 658, 32nd Cong., 2nd Sess., p. 14. It should be noted that the reservation system was not adopted until 1854.

⁶⁰H. Ex. Doc. No. 1, Vol. I, Ser. 595, 31st Cong., 2nd Sess., p. 29.

teen Mexicans from the Indians, and restored them to their homes in 1851.⁶¹ Initial efforts to compromise the Apache Indian tribe of New Mexico by treaty was delivered to the Senate for ratification on February 28, 1853.⁶² The enormity of the problem was attested to in a report by the Commissioner of Indian Affairs on November 26, 1853, which indicated the Indian population of New Mexico was then estimated to be some 45,000, an increase of 13,000 since the previous estimate.⁶³

The United States Army

In the First Annual Message of President Fillmore, on December 2, 1850, the question of additional regiments of cavalry for control of Indians on the Mexican frontiers was once again submitted to Congress, without success.⁶⁴ Meanwhile, new commanders were assigned the Eighth, Ninth, and Tenth Military Districts in 1851.⁶⁵ The Secretary of War,

⁶¹H. Ex. Doc. No. 2, Vol. II, Ser. 634, 32nd Cong., 1st Sess., p. 122.

⁶²James D. Richardson, A Compilation of the Messages and Papers of the Presidents (New York: Bureau of National Literature, 1897), VI, 2727.

⁶³H. Ex. Doc. No. 1, Vol. I, Ser. 710, 33rd Cong., 1st Sess., p. 243. See Supra., p. 32. Another low estimate.

⁶⁴H. Ex. Doc. No. 1, Vol. I, Ser. 595, 31st Cong., 2nd Sess., p. 10.

⁶⁵H. Ex. Doc. No. 2, Vol. II, Ser. 634, 32nd Cong., 1st Sess., pp. 117, 125, & 143. Geographically, these areas are the 8th-Texas, 9th-New Mexico, and 10th-California.

Charles M. Conrad (1804-1878), in issuing these orders, reflected upon the treaty obligation of the United States to Mexico for protection from hostile Indians. In this regard, he specified for Colonel Sumner of the Ninth Military District, ". . . as early as practicable, make an expedition . . . and inflict upon them a severe chastisement."⁶⁶ By August 1851, General Winfield Scott produced an insight into realistic expenditures necessary to successfully conduct these military operations, with an estimate of some \$10,000, 000 for each of the succeeding ten to fifteen years being needed to attain compliance of treaty obligations.⁶⁷

The year 1851 also brought new innovations in organization for the Army's western frontier forces. Because of the high cost of quartermaster stores, especially food stuffs and its overland transportation, Fort's Atkinson, Kearney, and Laramie were operationally terminated, with subsistence gardening and forage farming instituted at other posts.⁶⁸ Also, the government of Mexico from 1848, to the middle of 1851, had placed reliance on the United States for protection of their northern frontier population. Realizing

⁶⁶Ibid., p. 125. Conrad was a Virginia lawyer when appointed to this office by President Fillmore. See DAB, IV, 354.

⁶⁷Paul N. Garber, The Gadsden Treaty (Glouster: Peter Smith, 1959), p. 31. Cited hereafter as Garber, Gadsden Treaty.

⁶⁸Sen. Ex. Doc. No. 1, Vol. I, Ser. 611, 32nd Cong., 1st Sess., p. 161.

that deterioration could not continue unabated, a Mexican brigade of 400 mounted troops was deployed in the northern State of Sonora during July of the latter year.⁶⁹ Despite the reorientations undertaken by both the United States and Mexico, General Scott was forced to admit in a report dated November 21, 1851, that without the two previously requested supplemental cavalry regiments, the execution of treaty obligations were doomed to inevitable failure.⁷⁰

In his Second Annual Message to Congress on December 2, 1851, President Fillmore deplored the situation of Indian predatory incursions on the Mexican frontier, but pointed out that as the effectiveness of United States efforts increased, the Indians naturally would take the path of least resistance and inflict a greater share of depredations upon virtually undefended northern Mexico.⁷¹

The year 1852, gave additional emphasis to the commitment undertaken by the redeployment of Army forces. A majority of Army compliment was engaged in the defense of newly acquired territory, and the thirty-two additional frontier posts.⁷² Later reports indicated that one-half of

⁶⁹Sen. Ex. Doc. No. 119, Vol. XIV, Ser. 626, 32nd Cong., 1st Sess., pp. 412-413.

⁷⁰Sen. Ex. Doc. No. 1, Vol. I, Ser. 611, 32nd Cong., 1st Sess., p. 162.

⁷¹H. Ex. Doc. No. 2, Vol. II, Ser. 635, 32nd Cong., 1st Sess., pp. 17-18.

⁷²Sen. Ex. Doc. No. 1, Vol. I, Ser. 549, 31st Cong.,

the Army's strength was distributed from the confluence of the Rios Gila and Colorado, eastward to the Gulf of Mexico at the mouth of the Rio Grande.⁷³ General Scott reported on November 22, 1852, that the Army had engaged hostile Indians in combat along the whole breadth of the southwestern tier of three Military Districts, and that new posts were quartered in New Mexico by raising the troop compliment to twenty-one companies.⁷⁴

There was insignificant change in the Army's situation during the subsequent year of 1853, except the adoption of alternate tactics. To maintain the routes of communication with New Mexico and California, cavalry detachments were placed on the march between posts.⁷⁵ This produced effective pockets of local control moving through an always potential hostile environment. In the First Annual Message of President Pierce on December 5, 1853, the Congress was again belabored to provide the often requested supplemental troop strength for the Army.⁷⁶

1st Sess., pp. 98-99 & 188.

⁷³Sen. Ex. Doc. No. 1, Vol. II, Ser. 691, 33rd Cong., 1st Sess., pp. 3 & 94.

⁷⁴Sen. Ex. Doc. No. 1, Vol. II, Ser. 612, 32nd Cong., 1st Sess., p. 32.

⁷⁵H. Ex. Doc. No. 1, Vol. I, Ser. 711, 33rd Cong., 1st Sess., p. 95.

⁷⁶Ibid., p. 12.

CHAPTER IV

THE UNITED STATES-MEXICO TREATY OF 1853

Factors of Negotiation

In addition to the disputes arising from the Bartlett-Condé Agreement and Indian incursions, there were several other factors which commanded the attention of the United States and Mexico. The most pressing of these latter elements involved the subjects of indemnity claims, filibustering, and transit rights across the Isthmus of Tehuantepec. To a somewhat lesser extent, the incident of Mesilla Valley and the trans-continental railroad route became involved. Article XXI of the Treaty of Guadalupe Hidalgo provided the medium for peaceful settlement of any question originating from the provisions therein, and from any other source attendant to contact between the peoples or governments of both republics.¹

Indemnity Claims

The classification of claims by citizens of the

¹Sen. Ex. Doc. No. 52, Vol. VII, Ser. 509, 30th Cong., 1st Sess., pp. 60-61. This open article could not foresee the extent of differences which had arisen.

United States and Mexico, following the Treaty of Guadalupe Hidalgo, falls naturally into two separate categories.

Those on the part of citizens of the United States were generally as a result of commercial enterprise, while the claims on the part of the citizens of Mexico were generally a result of Indian incursions. Furthermore, these claims were posted on a clean slate by virtue of the fact that all indemnity claims for the period prior to the Mexican War were settled under the provisions stipulated in Article XV of the Treaty of Guadalupe Hidalgo. In this regard, the awards settled on citizens of the United States amounted to some \$3,208,314.96.²

To forestall a recreation of conditions as they existed prior to 1846, the negotiations at Guadalupe Hidalgo logically included a provision in Article XIX of the treaty, giving protection to United States goods imported into Mexico prior to the anticipated withdrawal of the former's troops.³ In spite of the intent imparted by this particular article, the internal Mexican authorities pursued a course of tax and seizure, so that numerous claims arose from this source.⁴ Another source of commercial indemnity claims by

²Sen. Ex. Doc. No. 34, Vol. VII, Ser. 618, 32nd Cong., 1st Sess., p. 1.

³Sen. Ex. Doc. No. 52, Vol. VII, Ser. 509, 30th Cong., 1st Sess., pp. 57-59.

⁴Sen. Ex. Doc. No. 18, Vol. VII, Ser. 981, 35th Cong., 2nd Sess., p. 82.; and Sen. Ex. Doc. No. 31, Vol.

citizens of the United States involved the alleged arbitrary seizure of goods by Mexican Border Customs officials.⁵ During those five short years from 1848, until Minister Gadsden departed for Mexico to enter into a negotiation, petitions for redress and interposition submitted by citizens of the United States amounted to several millions of dollars.⁶

One reaction to the course adopted by the Mexican authorities, with respect to commercial intercourse, manifested itself in smuggling. Along the extensive boundary between Texas and Mexico, this illegal practice was pursued with vigor by a great many citizens of the United States.⁷

On the part of the citizens of Mexico, claims resulting from Indian incursions mounted steadily throughout the five year period since the close of the Mexican War. The best summary of the extent of damage inflicted in northern Mexico is derived from an aggregate of claims submitted to the Claims Commission, which totaled nearly \$32,000,000.⁸

III, Ser. 1720, 44th Cong., 2nd Sess., p. 18.

⁵Sen. Ex. Doc. No. 31, Vol. III, Ser. 1720, 44th Cong., 2nd Sess., U. S. Claims Nos. 200 & 363.

⁶Sen. Ex. Doc. No. 18, Vol. VII, Ser. 981, 35th Cong., 2nd Sess., p. 82.; and Sen. Ex. Doc. No. 31, Vol. III, Ser. 1720, 44th Cong., 2nd Sess., p. 18.

⁷Sen. Ex. Doc. No. 108, Vol. XX, Ser. 832, 34th Cong., 1st Sess., pp. 63-64.

⁸John Bassett Moore, History and Digest of the International Arbitrations to which the United States has been a Party (6 vols.; Washington: Government Printing Office, 1898), II, 1306.

Filibustering

The active filibusterer was a force that created considerable mistrust between the governments of the United States and Mexico. An official position was adopted by President Fillmore, in the Proclamation of October 22, 1851, which abrogated any claim of interposition from his government in favor of any adventurer intercepted.⁹ He enlarged upon this theme in his Second Annual Message of December 2, 1851, making it quite clear that laws of the United States were being violated when its citizens engaged in this activity.¹⁰ The incident which precipitated the stand taken by President Fillmore involved some seventy United States' citizens who joined José Maria Carvajal in the capture of Comargo, State of Tamaulipas, Mexico.¹¹

President Pierce followed the same course as his predecessor. The proclamation he issued on January 18, 1854, contained the same definitive official position, and called upon all officials to apprehend the perpetrators of this criminal activity.¹² Perhaps the incident which be-

⁹H. Ex. Doc. No. 2, Vol. II, Ser. 635, 32nd Cong., 1st Sess., pp. 82-83.

¹⁰Ibid., pp. 7-8.

¹¹Sen. Ex. Doc. No. 87, Vol. IX, Ser. 620, 32nd Cong., 1st Sess., p. 125.; and Sen. Ex. Doc. No. 1, Vol. II, Ser. 659, 32nd Cong., 2nd Sess., pp. 15-20.

¹²Richardson, Messages, VII, 2804-2805. These particular filibusters caused Gadsden embarrassment.

came the basis for President Pierce's stand was more serious than that which prompted President Fillmore. This filibustering expedition, led by William Walker, was fermented and supported by citizens of the United States with a base in the State of California.¹³

These two examples of filibustering ended in failure of purpose, however, other bands with less exalted aims kept Mexican apprehension honed to a fine edge.¹⁴ This apprehension was no less placated by statements of United States Congressmen, which impugned both the sovereignty and the national character of Mexico.¹⁵

Isthmus of Tehuantepec

The transit rights across the Isthmus of Tehuantepec was an incident which seemed out of character as a factor of negotiation between the governments of the United States and Mexico. The original concession was granted to a Mexican citizen named Don José de Garay by his government in 1842.¹⁶

¹³Sen. Ex. Doc. No. 25, Vol. VI, Ser. 751, 33rd Cong., 2nd Sess., pp. 1-13.

¹⁴J. Fred Rippey, The United States and Mexico (2nd ed. rev.; New York: F. S. Crofts & Co., 1931), pp. 85-86 & 91-92. Cited hereafter as Rippey, United States and Mexico.

¹⁵Congressional Globe, XXVI, 126, 172, & 211.; and Ibid., XXVIII, 1546.

¹⁶Richardson, Messages, VI, 2642. See Fig. 11, for the area and location of the Isthmus of Tehuantepec. Note also that this passage would have cut considerable distance and time from oceanic travel enroute to California.

ISTHMUS OF TEHUANTEPEC

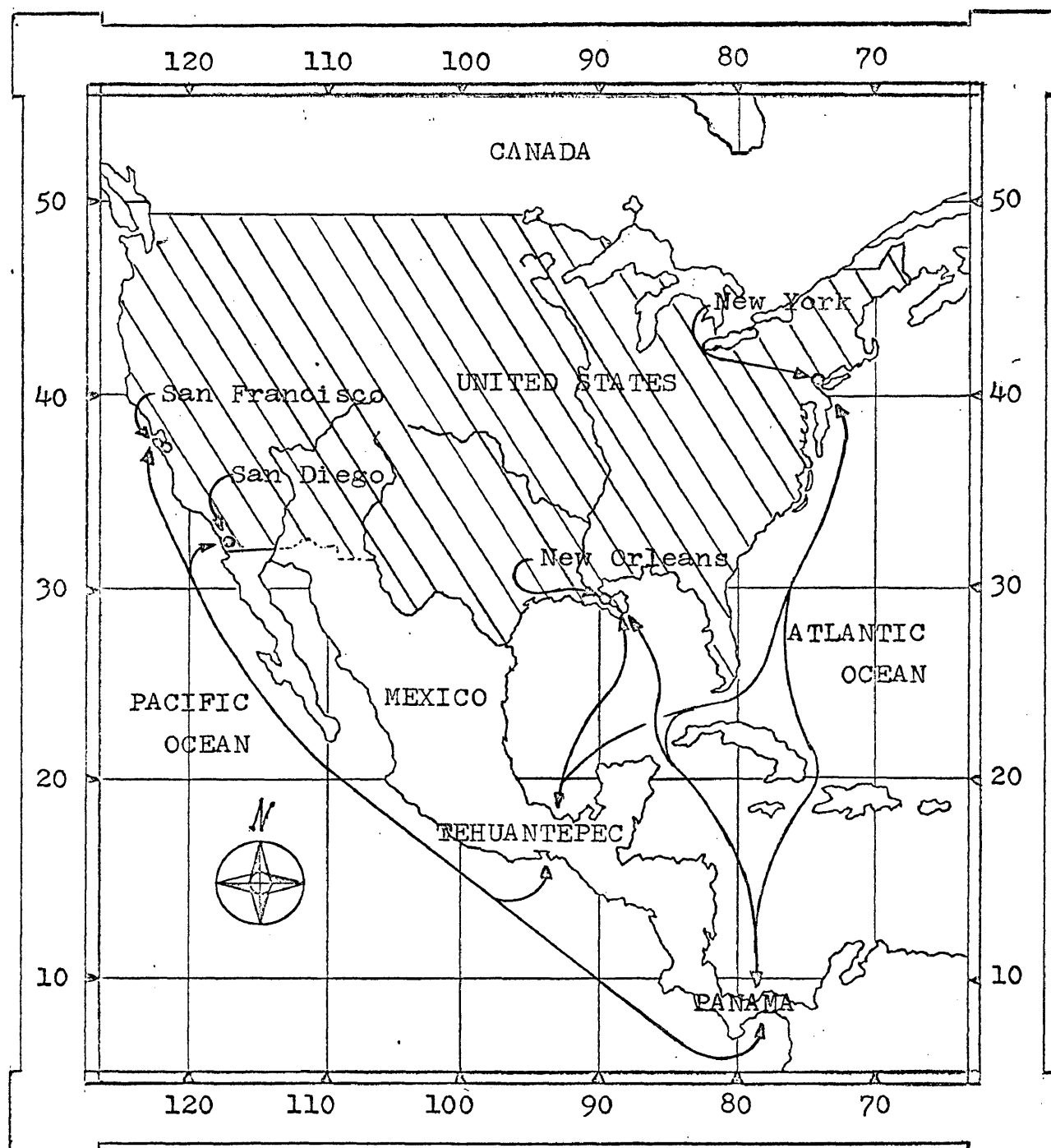


Fig. 11.

Even without the development intended by this grant, certain commercial interests within the United States recognized its potential. Transportation of supplies in the late war, the acquisition of Pacific territories, and the discovery of gold in California, enhanced the possibility of vast profit.¹⁷

Two conventions were entered into by the governments of the United States and Mexico, on June 22, 1850, and January 25, 1851, based on the acquisition of the Garay Grant by P. A. Hargous of New York.¹⁸ But, on May 22, 1851, a decree which had to this time maintained the validity of the Garay Grant, was declared null and void by the Mexican Senate.¹⁹ Thus, the Mexican Government was free to negotiate new grants of transit rights across the Isthmus of Tehuantepec, which in the light of competition might provide greater financial benefit to themselves.

Another convention was negotiated by the United States Minister, Alfred Conkling (1789-1874), and the government of Mexico, on March 21, 1853. This was not submitted to the Senate by President Pierce for three reasons; the first being that Minister Conkling was not instructed to en-

¹⁷H. Ex. Doc. No. 1, Vol. I, Ser. 537, 30th Cong., 2nd Sess., pp. 16-17.

¹⁸Sen. Ex. Doc. No. 97, Vol. X, Ser. 621, 32nd Cong., 1st Sess., p. 1.

¹⁹Ibid., p. 85. Normally referred to as the Salas Decree, it merely extended the time to commence building.

ter into a convention on this subject; the second was that, in the President's opinion, the United States could not bind itself to guarantee internal improvements by private investors on foreign soil; the third reason advanced by the President was simply that the convention violated Article VIII, of the Clayton-Bulwer Treaty of April 19, 1850.²⁰

President Pierce had no intention of including either the Garay Grant Claims or the Conkling Convention to an agenda for negotiation with Mexico.²¹

Mesilla and Railroads

As subjects pressing between the United States and Mexico, the Mesilla Valley and the issue of a transcontinental railroad were late comers. However, the former subject served as a catalysis, providing enough friction to cause some reaction on the part of the United States Government. Conversely, the question of railroads was just entering the future project stage of development.

The Mesilla Valley lay on the west bank of the Rio Grande, upstream from the Mexican village of El Paso, but

²⁰Richardson, Messages, VII, 2766-2767. Originally, Conkling was a Federal Judge of the Northern District of New York prior to his appointment as Minister to Mexico. See DAB, IV, 345. This article of the Clayton-Bulwer Treaty extended the joint non-exclusive provisions to the Isthmus of Tehuantepec; see Sen. Ex. Doc. No. 1, Vol. I, Ser. 810, 34th Cong., 1st Sess., pp. 113-117.

²¹Senate Executive Journal, IX, 276. This point in particular caused the President embarrassment with Congress.

downstream from the initial point selected in the Bartlett-Condé Agreement. Subsequent to this Agreement, the citizens living within the valley petitioned Governor Calhoun of New Mexico to extend protection over their territory.²² However, Governor Calhoun declined, and Mexican authority moved in to depose some citizens of the United States from their property, allegedly without compensation.²³

The Territory of New Mexico received a new Governor, William C. Lane, whose viewpoint differed from his predecessor. On March 13, 1853, he issued a proclamation extending the protection of New Mexico over the Mesilla Valley.²⁴ The reaction in Mexico was volatile, and Governor Trias of Chihuahua issued an immediate counter-proclamation.²⁵ President Antonio De Santa Anna levied an accusation that ". . . an american division soon tread upon the soil of the State of Chihuahua. . . ." ²⁶

Governor Trias, with orders from President Santa Anna and in the capacity as Commanding General of the District, marched to the boundary of the territory in dispute

²²Sen. Ex. Doc. No. 41, Vol. VII, Ser. 655, 32nd Cong., 2nd Sess., p. 13. See Fig. 12, for the Mesilla Valley area, and note its relationship in the disputed area.

²³Garber, Gadsden Treaty, pp. 70-71.

²⁴Ibid., pp. 71-72. ²⁵Ibid., pp. 72-73.

²⁶Antonio Lopez De Santa Anna, Mi Historia Militar y Politica, 1810-1874 (Mexico: Libneria D. La Vda. De Ch. Bourel, 1905), p. 107. Cited hereafter as Santa Anna, Mi Historia.

MESILLA VALLEY AND DISPUTED AREA OF 1853

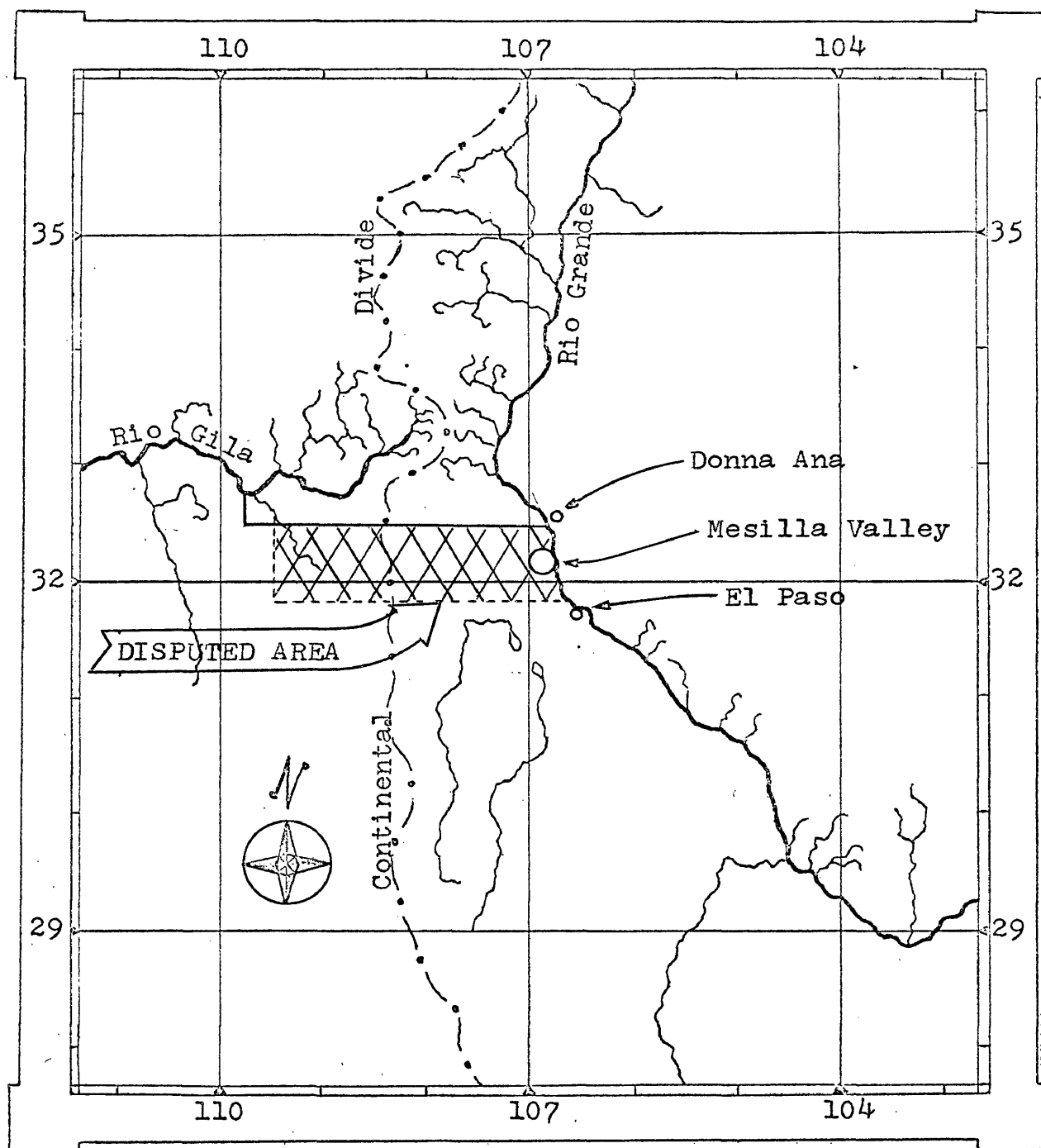


Fig. 12.

with some 1,000 men.²⁷ Governor Lane was recalled by the United States Government and David Meriwether appointed in his stead, with orders not to precipitate a contest of arms over the Mesilla Valley.²⁸ Here was, none-the-less, a dangerous confrontation, which if permitted to reach an illogical conclusion, might well have proved to be a serious deterrent to peaceful negotiation.

The trans-continental railroad question was studied with many boosters advocating the prime consideration of communications with the far distant Pacific coast. A House Committee on February 20, 1849, issued a report which cautioned that logic necessitated careful survey to proceed at once on several routes to preface an intelligent decision relating to a preferred course of action.²⁹ The resulting appropriation of some \$50,000 was only partially expended when Secretary of War Conrad requested an additional sum of \$34,996 on June 29, 1852.³⁰

The southwestern region was brought into focus by a special commission sent into the field to gather statistics, as reported in August 1851, that a railroad along the bound-

²⁷Garber, Gadsden Treaty, pp. 72-73.

²⁸Ibid., pp. 73-74. It is interesting to note that the Mexican Legation later refers to the Mesilla Treaty.

²⁹H. Rept. No. 145, Vol. II, Ser. 546, 30th Cong., 2nd Sess., p. 4.

³⁰H. Ex. Doc. No. 117, Vol. XII, Ser. 648, 32nd Cong., 1st Sess., p. 1.

ary would constitute the best means to control the Indian population.³¹ This recommendation was of course favored by officials charged with military responsibility, and the Secretary of War, Jefferson Davis, pointed out in 1853, the unreasonable high cost of supplying military posts in the boundary region.³² There was some disagreement among the members of the United States Boundary Commission, relative to the exact route any such railroad would follow across the Territory of New Mexico. Lieutenant Whipple submitted a report that indicated a preclusion to construction of a railroad along the whole course of the Rio Gila.³³ With Commissioners Bartlett and Gray at odds on a route through the area, Colonel Emory reported that both were of equal value, but the most practical passage lay to the south of either boundary line.³⁴

Within the Army appropriation bill of 1853, there was an allocation of some \$150,000 to conduct surveys from the Mississippi Valley to the Pacific coast for determina-

³¹Sen. Ex. Doc. No. 1, Vol. III, Ser. 613, 32nd Cong., 1st Sess., pp. 302-306. There was considerable practical logic to this astute recommendation.

³²Sen. Ex. Doc. No. 1, Vol. II, Ser. 691, 33rd Cong., 1st Sess., p. 25. This was once again a result of the extended overland transportation requirements.

³³Sen. Ex. Doc. No. 41, Vol. VII, Ser. 665, 32nd Cong., 2nd Sess., p. 20.

³⁴Sen. Ex. Doc. No. 108, Vol. XX, Ser. 832, 34th Cong., 1st Sess., p. 17. In view of the later railroad building program, either route proved to be feasible.

tion of the more economical and practical railway route.³⁵ The first preliminary report and summary resulting from this source was transmitted to the Congress on January 4, 1854.³⁶ Another report was available on June 13, 1854.³⁷ However, the three volume set of Army railway surveys for the western region of the United States was not printed until the following year, 1855.³⁸

Preliminaries to Negotiation

The United States and Mexico both underwent changes in administration within weeks of each other in the Spring of 1853. President Pierce assumed office in March, and President Santa Anna in April. The latter new chief executive was faced with tumultuous financial and political conditions in Mexico.³⁹ These conditions forced the Mexican President into a position of diplomatic weakness, as he later said, because:

In the deplorable situation of the country, a break with the past appears to me a destiny, and I adopted the medium that patriotism and prudence

³⁵U. S., Statutes at Large, X, 219.

³⁶H. Ex. Doc. No. 18, Vol. V, Ser. 717, 33rd Cong., 1st Sess., p. 10.

³⁷H. Misc. Doc. No. 8, Vol. I, Ser. 807, 33rd Cong., 2nd Sess., pp. 1-7.

³⁸H. Ex. Doc. No. 129, Vol. XVIII, Ser. 736, 33rd Cong., 1st Sess., p. 1.

³⁹Santa Anna, MI Historia, p. 106.

counselled; and a peaceful reconciliation.⁴⁰

During June, 1853, Minister Conkling was able to broach the subject of negotiation with the Mexican Minister of Foreign Relations. From this effort, he determined that Mexico considered some \$10,000,000 as a base for abrogation of Article XI in the Treaty of Guadalupe Hidalgo, with an expected settlement more nearly approaching \$40,000,000.⁴¹ The remainder of the differences between the two nations were not discussed for want of instructions from the United States.

On July 15, 1853, instructions were issued to James Gadsden (1788-1858), covering the facets for future negotiation. In summary, these instructions covered the following points: The United States would not support the unauthorized Conkling Convention relative to the Isthmus of Tehuantepec; the Bartlett-Condé Agreement was considered null and void; the confrontation at Mesilla Valley was not sanctioned by the United States; a boundary adjustment to the south of New Mexico was desired only for a more suitable railroad route; and the United States considered itself bound only to inhibit Indian incursions, without incurring any financial obligation for indemnity claims.⁴² Charged with these re-

⁴⁰Ibid., p. 107.

⁴¹Rippy, United States and Mexico, p. 84.

⁴²Garber, Gadsden Treaty, pp. 83-85. Gadsden was a former BGen. in the Army, speculator in land and Florida

sponsibilities, Minister Gadsden entered Mexico on August 4, 1853, and relieved Minister Conkling of the post as his country's representative to the Mexican Government.⁴³

Minister Gadsden entered into the preliminaries for formal negotiation by first ascertaining, on August 17, 1853, that the amount of money obtained and not the amount of land ceded was the uppermost concern of the Mexican Government.⁴⁴ By mid-September, Minister Gadsden grew most apprehensive about the ability of President Santa Anna's government to survive.⁴⁵ However, on September 25, 1853, and again on October 2, 1853, Minister Gadsden met with the Mexican President to present proposals based on his instructions, which were agreeable to Santa Anna as acceptable issues upon which formal negotiations could be entertained.⁴⁶

Minister Gadsden undertook the task of preparing a treaty draft to present as a departure point. Almost concurrently, the Secretary of State, William L. Marcy, was preparing additional instructions for negotiation, which were issued to Christopher L. Ward on October 22, 1853, for verbal transmission to Minister Gadsden.⁴⁷ The arrival of Ward in Mexico City on November 11, 1853, with additional

boomer, in addition to being involved with southern railroad promotion. See DAB, VII, 83.

⁴³Ibid., p. 85.

⁴⁴Ibid., p. 89.

⁴⁵Ibid., p. 90

⁴⁶Ibid., pp. 86-87.

⁴⁷Ibid., p. 90.

instructions relative to a boundary line, and new instructions to press the transit rights claims against Mexico on the subject of the Isthmus of Tehuantepec, caused Minister Gadsden to demand and receive them reduced to writing on November 14, 1853.⁴⁸ The preliminaries were now completed for early formal negotiation.

The Treaty Negotiation

At the first meeting on December 10, 1853, Minister Gadsden presented his treaty draft and President Pierce's proposed territorial cessions as delivered to him by Ward.⁴⁹ The larger of these proposed cessions left President Santa Anna somewhat aghast.⁵⁰ At the subsequent conference of Commissioners on December 16, 1853, the fact that President Santa Anna valued the Mesilla Valley alone at some 50,000, 000 pesos, left each side poles apart.⁵¹

The Mexican Minister of Foreign Relations advanced a compromise boundary line at the meeting of December 22, 1853. On the following day, minor adjustments concluded agreement on this portion of the proposed treaty. The remaining provisions were given their final polish on December

⁴⁸Ibid., pp. 95-97.

⁴⁹Ibid., pp. 91-93, & 101. See Figs. 13, 14, and 15. Note the exceptionally wide variations in territory.

⁵⁰Santa Anna, Mi Historia, p. 107.

⁵¹Ibid., pp. 108-109.

PRESIDENT PIERCE'S BOUNDARY PROPOSAL NUMBERS 1 AND 2

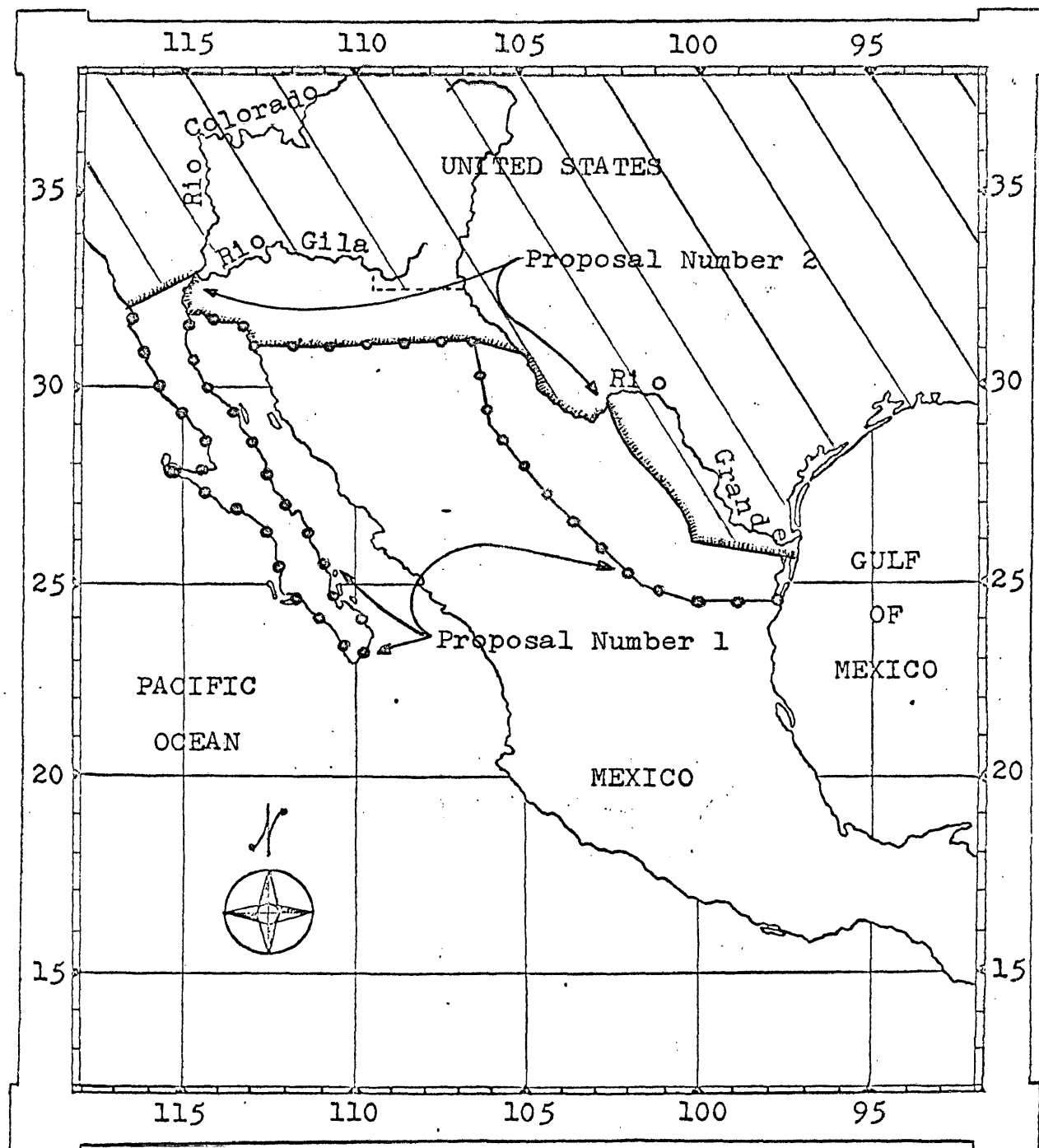


Fig. 13.

PRESIDENT PIERCE'S BOUNDARY PROPOSAL NUMBERS 3 AND 4.

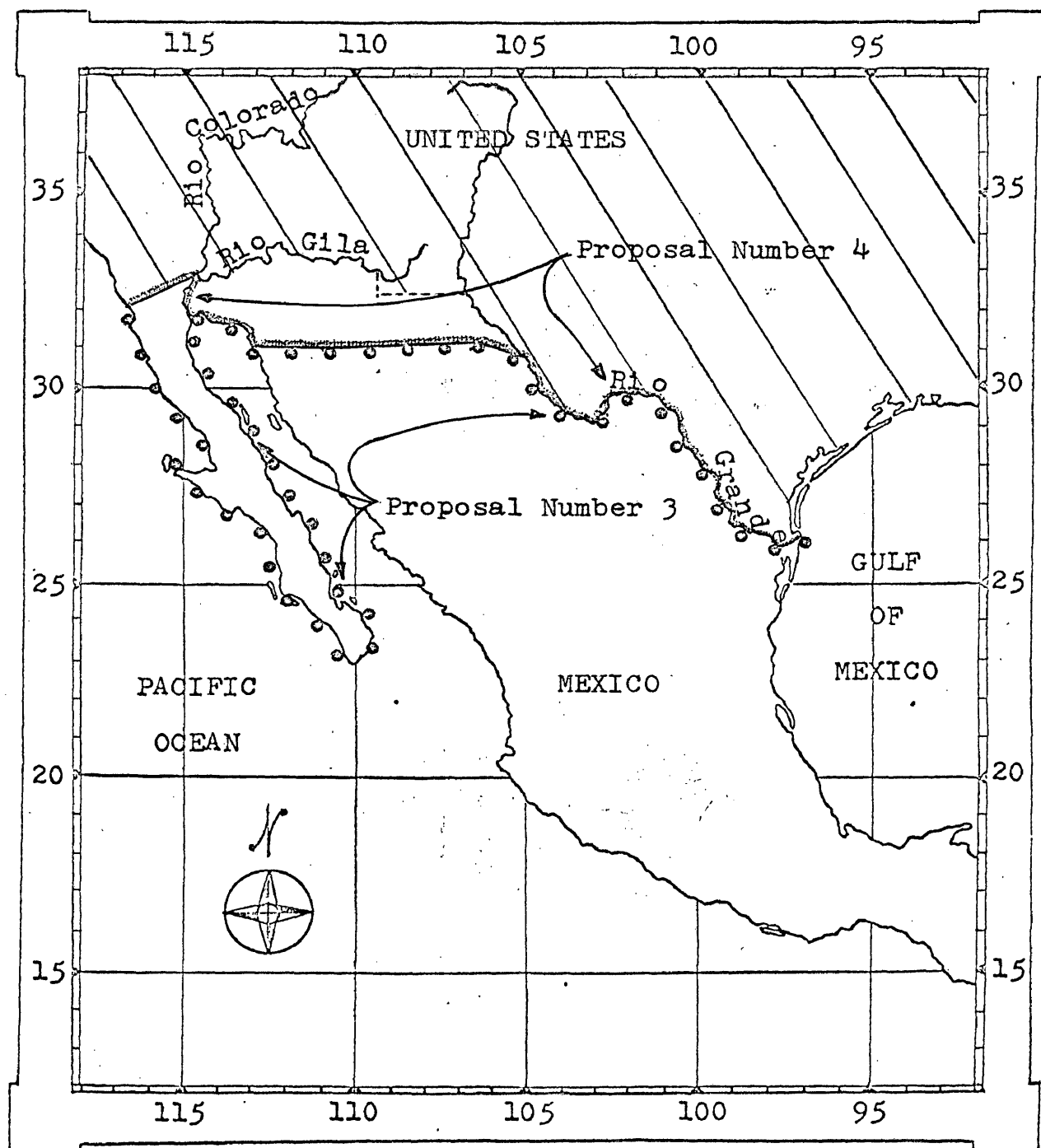


Fig. 14.

PRESIDENT PIERCE'S BOUNDARY PROPOSAL NUMBERS 5 AND 6

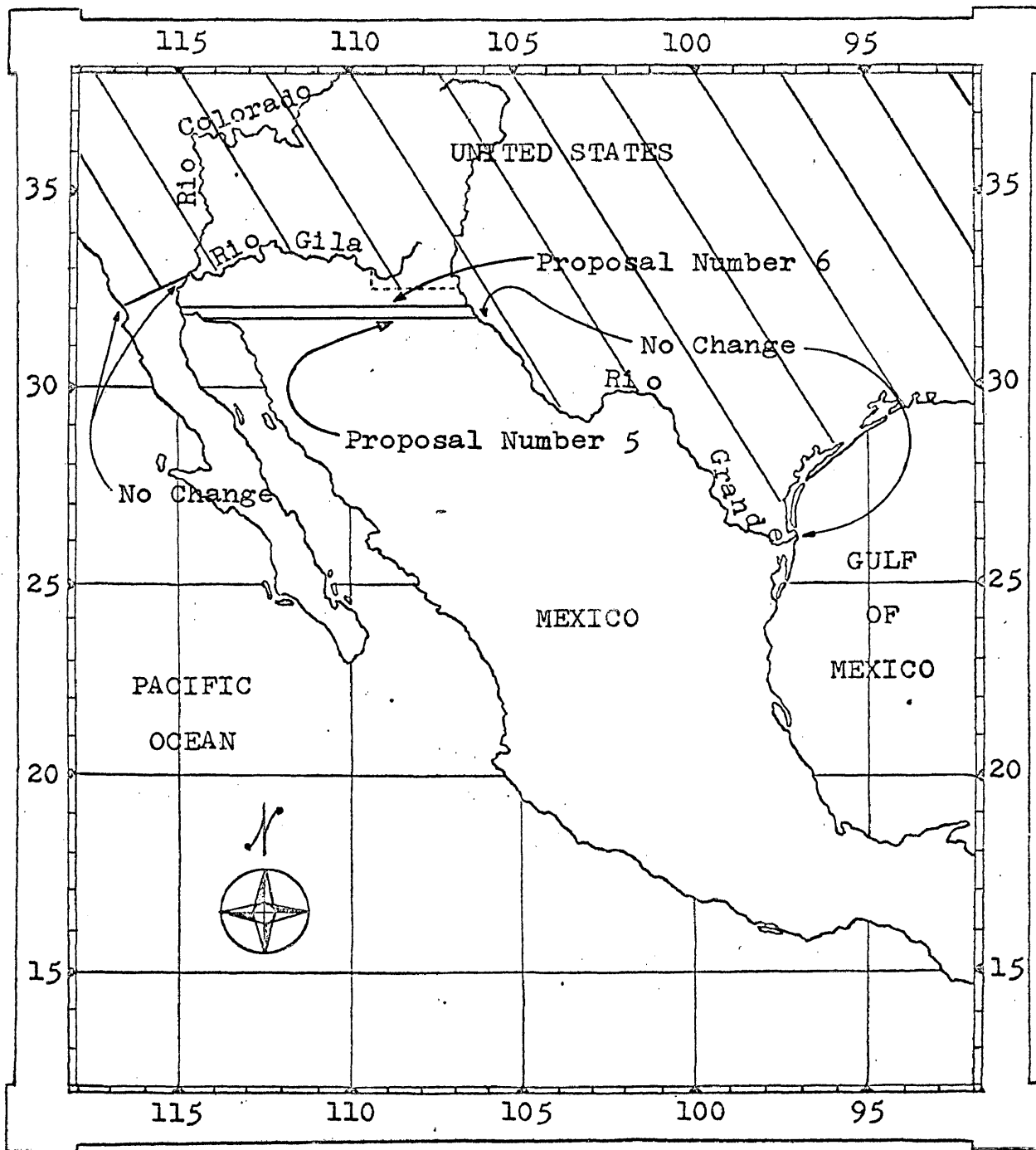


Fig. 15.

24, 1853, with Mexico divesting itself of indemnity claims for transit rights across the Isthmus of Tehuantepec and the United States assuming this pecuniary responsibility.⁵²

The Treaty Commission gathered at the American Legation in Mexico City on December 30, 1853, to conduct the ceremony of affixing signatures to the document.⁵³ Minister Gadsden departed Mexico City and passed through the Port of New Orleans on January 12, 1854, enroute to Washington with his treaty.⁵⁴ Before the month was out, an account of the substance contained in Gadsden's Treaty had been published by a New York City newspaper.⁵⁵

Gadsden Treaty Ratification

Subsequent to careful deliberation over the provisions of Gadsden's Treaty, President Pierce transmitted it to the Senate on February 10, 1854, with certain recommendations for modifying specific articles prior to ratification. In summary, these recommendations covered the following points: That Article II be made a reciprocal obligation, instead of just the United States having the responsibility to aid Mexico in preventing Indian incursions; revise Arti-

⁵²Garber, Gadsden Treaty, pp. 101-103.

⁵³Senate Executive Journal, X, 312-315.

⁵⁴Garber, Gadsden Treaty, p. 107.

⁵⁵Ibid., pp. 109-110. This would not be an isolated incident with respect to this treaty, nor press comment.

cle III to reserve the right of paying the sum of \$15,000, 000, without resorting to extending payments over several months at a rate of 6% interest, and eliminate the entire portion of indemnity claims over transit rights; and to strike out that portion of Article VIII which provided for mutual military assistance against filibusterers.⁵⁶

At this time the Senate was locked in debate over the Kansas-Nebraska Bill, which prevented Gadsden's Treaty reaching the floor for consideration until March 13, 1854.⁵⁷ Before the former debate was ever concluded, the treaty had once again received publication, but this time in a Philadelphia newspaper on February 15, 1854. The Senators were canvassed on the subject, and all disclaimed knowledge of the incident.⁵⁸

The ratification debates and proceedings were conducted in Executive Session, which thereafter caused a pall of secrecy to settle over the Senate.⁵⁹ Requests and resolutions submitted to President Pierce, do provide a guide in the trend of Senate debate. On March 7, 1854, the President transmitted all correspondence and ministerial instructions relative to the issue of Article XI in the Treaty of Guada-

⁵⁶Senate Executive Journal, X, 312-315.

⁵⁷Senate Executive Journal, IX, 264.

⁵⁸Ibid., p. 272.

⁵⁹Ibid., p. 264. This would become a case of considerable complaint when the House took up the appropriations.

lupe Hidalgo.⁶⁰ The next issue was responded to on March 14, 1854, by transmitting a copy of the Conkling Convention of March 21, 1853. Within this message, President Pierce set forth his reasons for recommending, on February 10, 1854, that transit rights indemnity claims be eliminated.⁶¹

On both March 15, and 21, 1854, the Senate requested additional documentation relating to the treaty negotiations and claims, which brought responses from President Pierce on March 21, and 29, respectively.⁶² The duplicity of Ward was discovered by the Senate on March 27, 1854, and the resolution of that date called for such documents as may be pertinent to the issue. President Pierce's response to this disclosure was dated April 1, 1854, which conveyed his regret that Minister Gadsden had been misinformed by Ward, and that this misinformation was a reflection contrary to his own instructions on the matter.⁶³

Two additional reports were transmitted by the President on April 11, and 13, 1854, in which the Senate was provided information relative to both claims and abrogation of Article XI in the Treaty of Guadalupe Hidalgo.⁶⁴ Consid-

⁶⁰Richardson, Messages, VII, 2765.

⁶¹Supra, p. 78.

⁶²Richardson, Messages, VII, 2768-2769.

⁶³Senate Executive Journal, IX, 276.

⁶⁴Richardson, Messages, VII, 2771. From the spread in dates, apparently several days were spent on this topic.

erable modification had been accomplished by the Senate to Gadsden's Treaty, but in the first vote for ratification, the measure was defeated by twenty-seven to eighteen.⁶⁵ Some additional rework netted a favorable vote for ratification by a count of thirty-three to twelve on April 25, 1854.⁶⁶

The time frame encompassing debate on Gadsden's Treaty extended over a period of some one and a half months. The Executive Branch of Government had been well exercised in providing documentation and reports for the Senate's debate. In the interim, some specific changes in context emerged as contrasted with Gadsden's negotiated treaty. Article I designated a new boundary line, and Article III reduced the payment for territorial cession to a sum of \$10,000,000.⁶⁷ These primary considerations in particular, would have to be submitted to the Mexican Government for concurrence.

President Santa Anna of Mexico and his government deemed the necessity of a treaty, and its attendant revenue from relative wasteland, constituted sufficient justification to accept the United States Senate's revised treaty.⁶⁸

⁶⁵Senate Executive Journal, IX, 306.

⁶⁶Ibid., pp. 309-311.

⁶⁷H. Ex. Doc., No. 109, Vol. XIII, Ser. 726, 33rd Cong., 1st Sess., pp. 2-3. See Fig. 16, for the ceded area.

⁶⁸Santa Anna, Mi Historia, pp. 110-111.

GADSDEN TREATY BOUNDARY LINE OF 1853

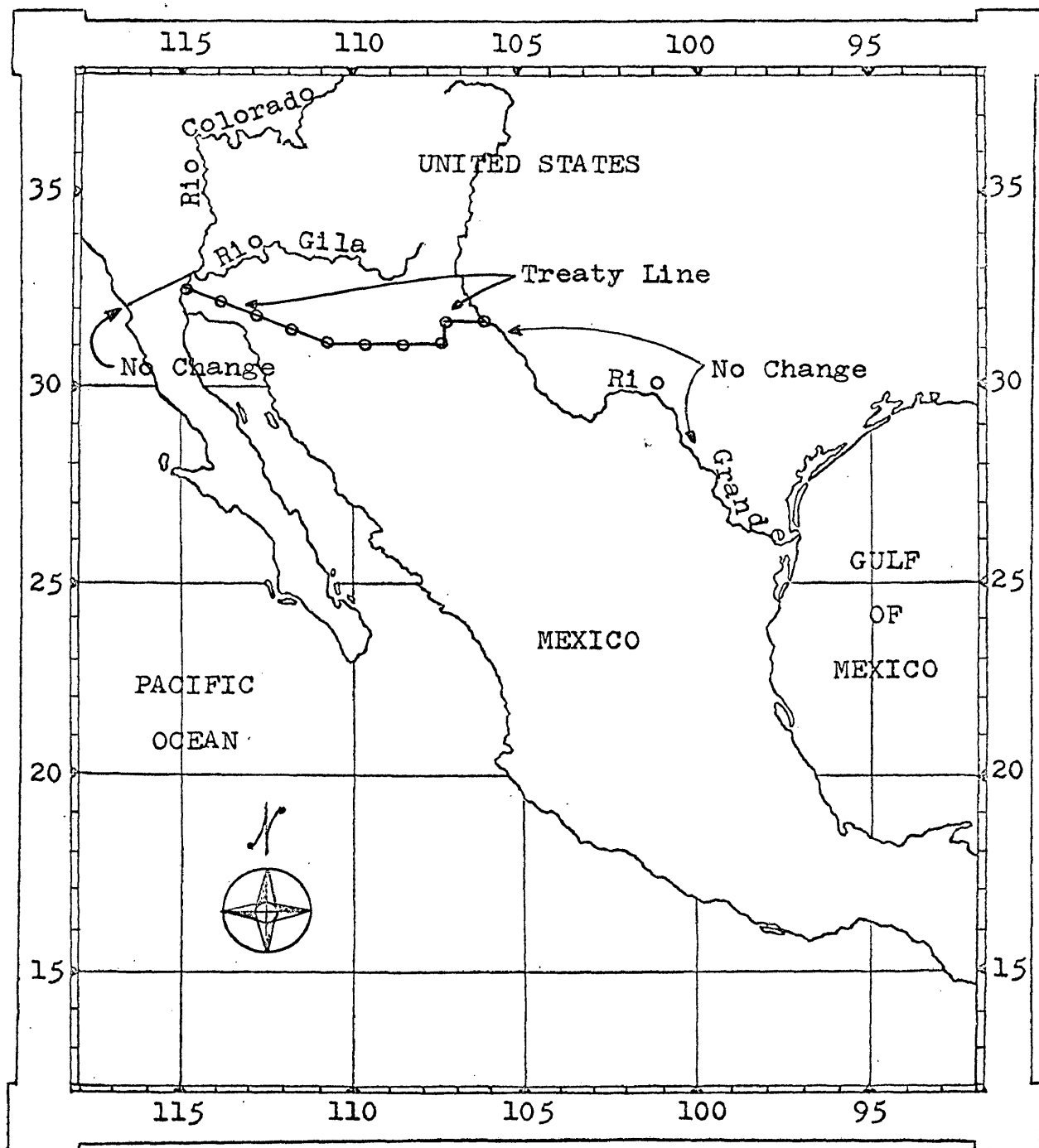


Fig. 16

This information, when relayed to President Pierce, resulted in his request to the House of Representatives on June 10, 1854, for the necessary funds to be made available for payment on the exchange of formal ratifications.⁶⁹ Even though some Members of the House presented arguments to the contrary, a money bill was successfully passed by a vote of 105 to 63.⁷⁰ Ratifications were exchanged in Washington on June 30, 1854, and the Gadsden Purchase Treaty became the Law of the Land.⁷¹

With a more definitive treaty to work with, the Governments of the United States and Mexico were now able to proceed with the task of establishing a Third boundary Commission to delineate a coterminous line between the two Republics.

⁶⁹H. Ex. Doc. No. 109, Vol. XIII, Ser. 726, 33rd Cong., 1st Sess., p. 1.

⁷⁰Congressional Globe, XXVIII, 1565.

⁷¹U. S., Statutes at Large, X, 1031-1037.

CHAPTER V

THE THIRD BOUNDARY COMMISSION 1854 - 1856

The Continuity

With the establishment of the Third Boundary Commission, and the appointment of William Emory as the sole Commissioner, continuity was vested in him alone.¹ Despite the fact that the first commission was officially terminated after only six months in the field, and he joined the second commission very late in its official existence, Commissioner Emory was the only individual to serve in a responsible capacity on all three. The magnitude of service rendered commences during the latter stages of the second commission, when Commissioner Emory was charged in 1852, with the responsibility of surveying the boundary downstream from El Paso, as far as Laredo, Texas.² His assistant in this assignment, M. T. W. Chandler, covered that portion of the Rio Grande from El Paso southward to a point some 125 miles up-

¹Sen. Ex. Doc. No. 108, Vol. XX, Ser. 832, 34th Cong., 1st Sess., p. xvi. The date of this commission was August 4, 1854.

²Ibid., p. 53. The actual date of arrival of Emory in the field, to assume duties with the Second Boundary Commission, was November 25, 1851. See Ibid., p. 10.

stream from the Rio Pecos.³

On March 3, 1853, the Congress of the United States enacted an appropriation to complete the unsurveyed sections of the Rio Grande, from Big Bend to the Gulf of Mexico.⁴ In May of that year, Commissioner Emory departed from the Port of New Orleans with his group to accomplish this task.⁵ During the summer the lower section was surveyed by Commissioner Emory.⁶ Concurrently, Lieutenant N. Michler surveyed that portion of the Rio Grande extending 125 miles upstream from the mouth of the Rio Pecos.⁷ The total distance encompassed by the surveys on the Rio Grande in 1853, was approximately 365 miles.

Commissioner authority on the part of the Mexican Boundary Commission had rested with José Salazar alone, since the death of General Condé.⁸ A most favorable relationship had existed between the Joint Commissioners, Emory and Salazar, which was effectively demonstrated in 1852. It was Commissioner Salazar who signed an agreement with Com-

³Ibid., p. 80.

⁴U. S., Statutes at Large, X, 209.

⁵Sen. Ex. Doc. No. 108, Vol. XX, Ser. 832, 34th Cong., 1st Sess., p. 53.

⁶Ibid., p. 61.

⁷Ibid., p. 74. See Fig. 17, for a recapitulation of valid surveys completed through 1853.

⁸Sen. Ex. Doc. No. 119, Vol. XIV, Ser. 626, 32nd Cong., 1st Sess., p. 464.

VALID SURVEYS COMPLETED 1849-1853

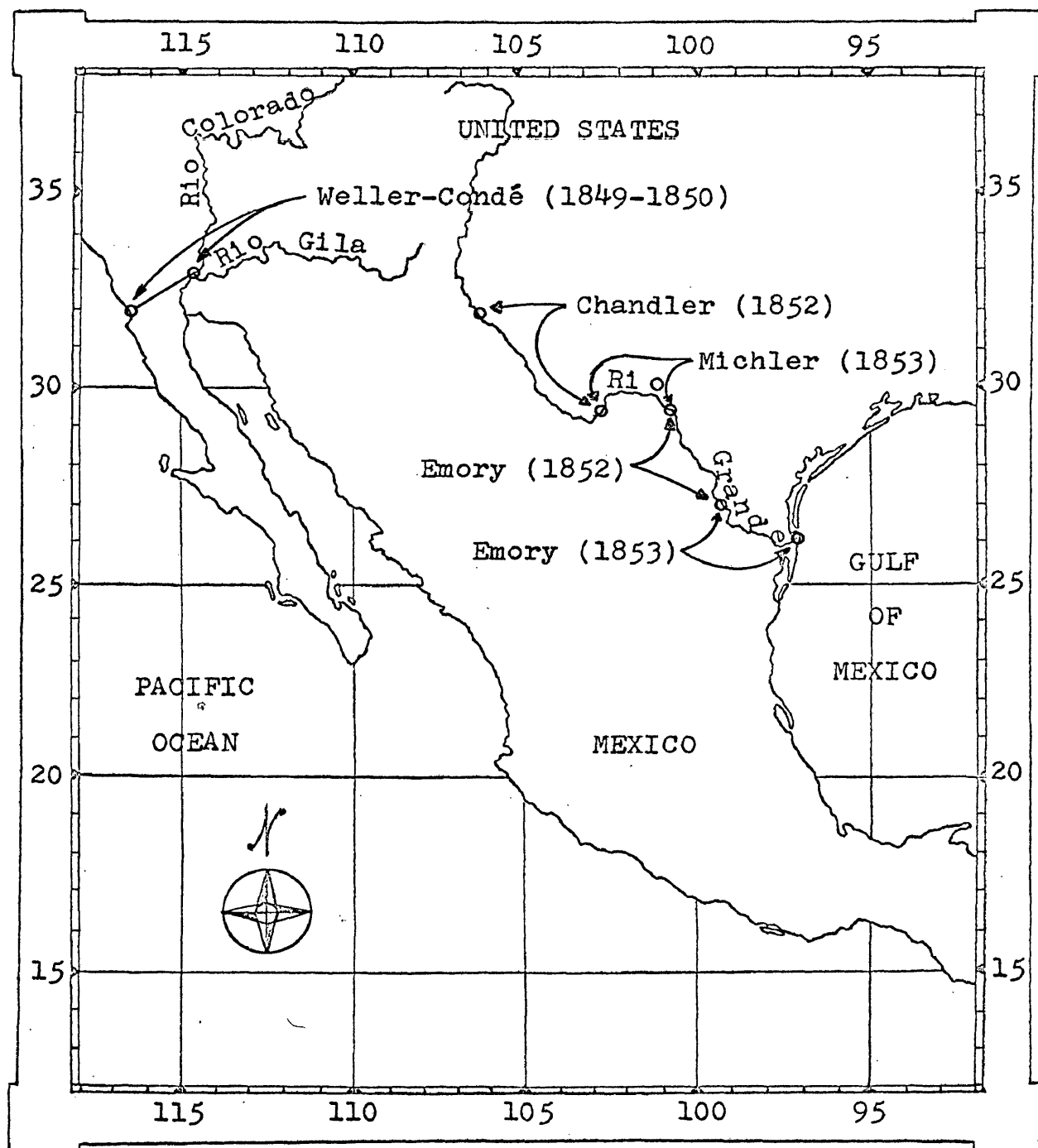


Fig. 17.

missioner Emory, to stipulate that the Bartlett-Condé line was an agreement of their own construction.⁹

The last item effecting the transitional period between the second and third Joint Boundary Commissions, was involved with certain arrears in funds expended in the field. Secretary of the Interior McClelland submitted a request to Congress on January 24, 1854, for the sum of \$50,000 to cover these contingencies.¹⁰

Field Work Commences

The terms of the Gadsden Treaty of December 30, 1853, specified a meeting of one Commissioner from each of the contracting Governments to form the Joint Boundary Commission at El Paso on October 1, 1854.¹¹ Commissioner Emory received his appointment on August 4, 1854, and elected to dispatch a representative on ahead, to comply with these deadline conditions. He followed with the main body of the Third United States Commission.¹² Also, Commissioner Emory dispatched Lieutenant Michler, by the oceanic route to California, for the purpose of commencing operations at the

⁹Sen. Ex. Doc. No. 108, Vol. XX, Ser. 832, 345h
Cong., 1st Sess., p. 17.

¹⁰H. Ex. Doc. No. 33, Vol. V, Ser. 717, 33rd Cong.,
1st Sess., p. 1.

¹¹Sen. Ex. Doc. No. 108, Vol. XX, Ser. 832, 34th
Cong., 1st Sess., p. 23.

¹²Ibid., p. 23:

western extremity of the Gadsden Treaty line.¹³ The innate justification for this action would permit simultaneous surveys to proceed and converge on a pre-selected point of the boundary.

On September 25, 1854, the main body of the United States Boundary Commission landed at Indianola, Texas, near the mouth of the Rio Grande, en route to the rendezvous at El Paso.¹⁴ However, it was not until December 4, 1854, that the proceedings of the Third Joint Boundary Commission were opened with the following entry in the Journal:

Both parties being ready to commence operations, and there being no differences of opinion upon the scientific and practical manner of determining the boundary between the two countries, it was agreed that each should proceed, with all the means at his disposal, to determine the initial point of said boundary on the Rio Grandé, which the treaty stipulated to be at the parallel of 31° 47' north latitude.¹⁵

By January 9, 1855, both Commissioners had completed their separate observation, and on the following day, after a comparison of the figures thus determined, met and marked the initial point of survey.¹⁶ The formal ceremony designating this location was conducted on January 31, 1855. On this occasion the two commissioners deposited a Joint Paper, bearing that date, which read in part:

We, the undersigned, have this day assembled to witness the laying of the foundation of the monument

¹³Ibid., p. 24.

¹⁴Ibid., p. 23.

¹⁵Ibid., p. 26.

¹⁶Ibid.

which is to mark the initial point of the boundary between the United States and the republic of Mexico, agreed upon by the treaty of Mexico, on the part of the United States by William Hemsley Emory, and on the part of the republic of Mexico by José Salazar Harrequi, latitude $31^{\circ} 47'$.¹⁷

Résumé of Other Matters

The annual address of President Pierce on December 4, 1854, shed considerable light on those various factors irritating to the governments of the United States and Mexico. He advised the Congress that the Boundary Commission was in the field carrying out its duties as stipulated in the Gadsden Treaty of December 30, 1853.¹⁸ Additionally, in matters pertaining to this responsibility, the President set forth the necessity of another appropriation to cover anticipated expenditures.¹⁹

On the subject of the claims pending between the two governments, President Pierce regretfully reported that the United States legation at Mexico City was unable to commence an adjustment, because of deteriorating internal conditions within the republic of Mexico.²⁰ In the same vein, the President expounded upon the measures successfully undertaken by his administration to prevent filibustering ex-

¹⁷Sen. Ex. Doc. No. 57, Vol. XII, Ser. 821, 34th Cong., 1st Sess., p. 11.

¹⁸Sen. Ex. Doc. No. 1, Vol. I, Ser. 746, 33rd Cong., 2nd Sess., p. 9.

¹⁹Ibid., p. 34.

²⁰Ibid., p. 8.

peditions from originating within the United States, except for two occasions.²¹

A subject which transcended the efforts of both governments, despite the relief of pecuniary responsibility for Indian incursions inflicted upon the citizens of the northern frontiers of Mexico, once again brought forth a Presidential request to Congress for authorization to increase Army strength.²² Using the example of New Mexico, the report appended to the President's address by Secretary of War Davis, produced a new estimate of some 50,000 Indians within that Territory. The Secretary continued by pointing out that 1,654 officers and men were assigned the task of controlling 1,500 miles of frontier, in addition to over 1,000 miles of internal lines of communication traversing Indian country.²³ The aggregate total of linear distance thus intended to be controlled exceeded 2,500 miles, with an average of one man to approximately one and a half miles, portending to restrain a force about thirty times their size. With this impossible internal Indian problem in mind, Secretary of War Davis drew attention to the converse situation of Wild Cat and his band, by enclosing a report from General Persifor F. Smith (1798-1858), relating to impending inroads into Texas

²¹Ibid., p. 9.

²²Ibid., p. 15.

²³Sen. Ex. Doc. No. 1, Vol. II, Ser. 747, 33rd Cong., 2nd Sess., p. 6. It should be noted that estimates started at 31,900, subsequently were increased to 45,000, then herein raised to 50,000.

from Coahuila.²⁴

The Commissioner of Indian Affairs, in his report dated November 25, 1854, produced the intelligence that incursions by the Indians continued to range beyond the boundaries of the United States.²⁵ In the Commissioners opinion, unlimited military operations could not arrest Indian depredations, except through a genocide program, which was unacceptable. This brought forth his recommendation of a reservation system similar to that recently established in the State of Texas.²⁶

There was, however, very strong overt indication that the government of the United States accepted the responsibility by an initial step in a positive direction. On August 21, 1854, a Surveyor General for New Mexico was appointed under the authority of Congressional legislation passed the previous month. His instructions set forth the procedure to commence a review of land grants pre-dating the Treaty of Guadalupe Hidalgo, and to submit the results pertaining thereto, in a full report,²⁷ By September 30, 1855,

²⁴Ibid., pp. 29-30. Gen. Smith was a career Army Officer, who was advanced to BGen. in 1846, served as Military Governor of Mexico City in the late war, commanded the Pacific Military Division, and during this period commanded the 8th Military District of Texas from 1850 to 1856. See DAB, XVII, pp. 331-332.

²⁵Sen. Ex. Doc. No.1, Vol. I, Ser. 746, 33rd Cong., 2nd Sess., p. 221. In this regard, it should be noted that it would take years to contain these migratory habits.

²⁶Ibid., p. 222.

²⁷Ibid., p. 87.

the following year, final action was pending on the documents prepared by William Pelham, Surveyor General of New Mexico, and his report showed that public land sales had not as yet commenced.²⁸

Completion of Field Work

That portion of the Joint Boundary Commission, headed by Commissioners Emory and Salazar, were completing their preparations in January, 1855, to undertake the task of surveying westward from the initial point. The Mexican Commission met with some unfortunate equipment difficulties, which prompted Commissioner Emory to suggest on January 27, 1855, that an advance of some \$100,000 be made to Commissioner Salazar. This sum would be charged against the monies due Mexico under the provisions of the Gadsden Treaty.²⁹ It was pointed out by Secretary of State Marcy in his note to the Mexican legation on March 20, 1855, when offering the advance of monies, that failure to provide sufficient financial means placed the work of the Joint Boundary Commission in serious jeopardy.³⁰ After a seemingly inordinate period of time, the Mexican legation in Washington responded to the

²⁸Sen. Ex. Doc. No. 1, Vol. I, Ser. 810, 34th Cong., 1st Sess., p. 303.

²⁹Sen. Ex. Doc. No. 57, Vol. XII, Ser. 821, 34th Cong., 1st Sess., p. 8. The delay caused by these circumstances prevented Salazar from surveying with Emory.

³⁰Ibid., p. 7.

offer of the United States, with a note dated June 4, 1855, setting forth their position that Commissioner Salazar was provided with sufficient funds to cover his expenses for a year. Also, that it was then the intention of the government of Mexico to recall and replace Commissioner Salazar.³¹ However, on August 2, 1855, the Mexican legation submitted another note accepting the advance of \$100,000, because of the considerable expense incurred by the Mexican Boundary Commission in having to replace its entire complement of horses and mules.³²

During this same period of time encompassed by the organization and growing pains of the Joint Boundary Commission at El Paso, work was underway at the western extremity of the line. Lieutenant Michler had received his instructions from Commissioner Emory in a letter dated August 29, 1854.³³ He and his contingent departed from the Port of New York on September 20, passed through San Diego on November 16, and arrived at the confluence of the Rios Colorado and Gila on December 9, 1854.³⁴

Lieutenant Michler was joined by a representative of

³¹Ibid., p. 13.

³²Ibid., p. 14. This action in effect, and practical application, cancelled the two previous conditions stated in the prior note.

³³Sen. Ex. Doc. No. 108, Vol. XX, Ser. 832, 34th Cong., 1st Sess., p. 101.

³⁴Ibid.

the Mexican Boundary Commission, Señor Don Francisco Jimenez. These two parties completed their computations and conducted a formal ceremony for that occasion on April 26, 1855. The agreement thus entered into on that date read in part:

We, the undersigned, duly authorized to fix the initial point on the Rio Colorado, twenty English miles below the junction of this river with the Gila . . . that the latitude of said initial point, by a mean of the results obtained by each party, is $32^{\circ} 29' 44'' .45$ north, and that the longitude is $114^{\circ} 48' 44'' .53$ west from Greenwich. . . .³⁵

The westernmost party of the Joint Boundary Commission encountered difficulty with the terrain east of the Rio Colorado. On May 1, 1855, Lieutenant Michler and Señor Jimenez concurred that their best course of action would be to keep the pre-planned rendezvous with the eastern party of the Joint Boundary Commission at the junction of parallel $31^{\circ} 20'$ north latitude and the 111th west longitude.³⁶ This was the point on the boundary line which prescribed the eastern terminus of their responsibility. On May 5, the two parties were on the road which followed the Rio Gila, heading eastward.³⁷

Commissioner Emory was encamped at the junction of parallel $31^{\circ} 20'$ and longitude 111° , having run the boundary line from the initial point on the Rio Grande, westward to

³⁵Ibid., p. 33.

³⁶Ibid., pp. 34-35.

³⁷Ibid., p. 116. This would be the natural route because of a ready water supply for the animals.

that location. Commissioner Salazar and the main party of the Mexican Boundary Commission remained in El Paso awaiting funds to replenish his required compliment of horses and mules. At a conference between the principals present, it was agreed that Lieutenant Michler and Señor Jiminez would form one consolidated party and run the line from their present location, westward toward the Rio Colorado. They would thus intercept the point on the boundary line where their previous operation was suspended.³⁸

Upon the return of Commissioner Emory and the main body of the United States Boundary Commission to El Paso, he and Commissioner Salazar entered into their Joint Journal a reciprocal provision accepting unconditionally the points, lines, and monuments established by each other.³⁹ On the same day, August 16, 1855, the Joint Journal was closed, with a notation to the effect that the Boundary Commissions would reconvene at Washington, D. C., on April 1, 1856.⁴⁰ One additional item which the Joint Commission concerned itself with on August 16, 1855, was to conclude a separate "Articles of Agreement," which read in part:

The two commissioners agree to declare, and do declare, the line surveyed, marked, and established . . . as the true line of boundary between the two republics. . . . They further agree to declare the line fully surveyed, marked, and established throughout its whole extent, as soon as notifica-

³⁸Ibid., p. 29.

³⁹Ibid., p. 32.

⁴⁰Ibid.

tion is received from Señor Jiminez and Lieutenant Michler that the topography of the last named line is completed. . . .⁴¹

The two main bodies of the Joint Boundary Commission parted on August 20, 1855. Commissioner Salazar and the Mexican Boundary Commission proceeded westward along the line surveyed by Commissioner Emory. He erected a few additional markers and rechecked the points on which the boundary line executed an abrupt change of direction.⁴² This completed the field work of the main bodies of the Joint Boundary Commission.

Monies due Mexico

Under the provisions of the Gadsden Treaty, Mexico was paid the sum of \$7,000,000 upon exchange of treaty ratifications on June 30, 1854. Of the \$10,000,000 total to be paid, the balance of \$3,000,000 would become due upon notification that the boundary survey was completed.

On January 27, 1855, the firm of Howland and Aspinwall informed Secretary of State Marcy, that they held drafts totaling \$1,500,000 against the Treasury of the United States. These drafts were issued to this firm by the government of Mexico as a draw against the \$3,000,000

⁴¹Sen. Ex. Doc. No. 57, Vol. XII, Ser. 821, 34th Cong., 1st Sess., p. 60. This is another example of the trust between Commissioners Emory and Salazar.

⁴²Sen. Ex. Doc. No. 108, Vol. XX, Ser. 832, 34th Cong., 1st Sess., p. 37.

balance due upon completion of the boundary survey.⁴³

The Mexican legation informed Secretary of State Marcy on March 24, 1855, that bills of exchange totalling \$750,000 were issued by his government to the firm of Hargous Brothers, as a draw against the Treasury of the United States.⁴⁴ Again on August 18, 1855, the Mexican legation gave similar notification of drafts totalling \$656,000 in favor of Howland and Aspinwall.⁴⁵

Much to the surprise of the State Department, the Mexican legation repudiated these previous drafts, totalling \$2,906,000, in a note dated November 3, 1855. This note also requested that the sum of \$3,000,000 be paid to the present Mexican government through the Mexican legation, since the drafts issued by the former administration of General Santa Anna were null and void.⁴⁶ This precipitated a flurry in exchange of notes between the Department of State and the Mexican legation, which culminated by the matter being referred to President Pierce. Secretary of State Marcy issued the final position of the United States in favor of the holders of all previous drafts, in his note to the Mexican legation dated November 29, 1855.⁴⁷

Since the balance due Mexico as a result of this

⁴³Sen. Ex. Doc. No. 57, Vol. XII, Ser. 821, 34th Cong., 1st Sess., p. 4.

⁴⁴Ibid., p. 12.

⁴⁵Ibid., p. 18.

⁴⁶Ibid., p. 30.

⁴⁷Ibid., p. 32.

fiscal gyratory amounted to a mere \$94,000 by this date, a draft in this amount was drawn by the government of Mexico on Howland and Aspinwall. The draws held by this firm were paid by the Treasury of the United States on the increment dates of February 7, March 20, and April 4, 1856. Those held by Hargous Brothers were redeemed on February 9, 1856.⁴⁸ The entire proceeds of fiscal transactions and notes became the subject of a Presidential message to the Senate on April 14, 1856.⁴⁹

Boundary Commission Conclusion

Secretary of the Interior McClelland was exceedingly joyed to inform Congress on December 3, 1855, that the field work of the Joint Boundary Commission was completed.⁵⁰ On December 18, 1855, Commissioner Emory notified the Secretary of the Interior, in addition to enclosing a copy, that Commissioner Salazar of the Mexican Boundary Commission considered the "Articles of Agreement" signed on August 16, of

⁴⁸Ibid., p. 76. In this regard it should be noted that none of the balance due the government of Mexico, subsequent to treaty ratification, was paid directly to that government by the United States. The name Hargous was associated with Garay Claims.

⁴⁹Ibid., p. 1. It should probably be noted that this money was used to prop-up the administration of General Santa Anna, subsequent to expending the initial \$7,000,000 obtained at the exchange of ratifications of Gadsden's Treaty.

⁵⁰Sen. Ex. Doc. No. 1, Vol. I, Ser. 810, 34th Cong., 1st Sess., p. 128. See Fig. 18, for the southwestern boundary subsequent to this survey.

EMORY'S REPORT OF FINAL SURVEY 1856

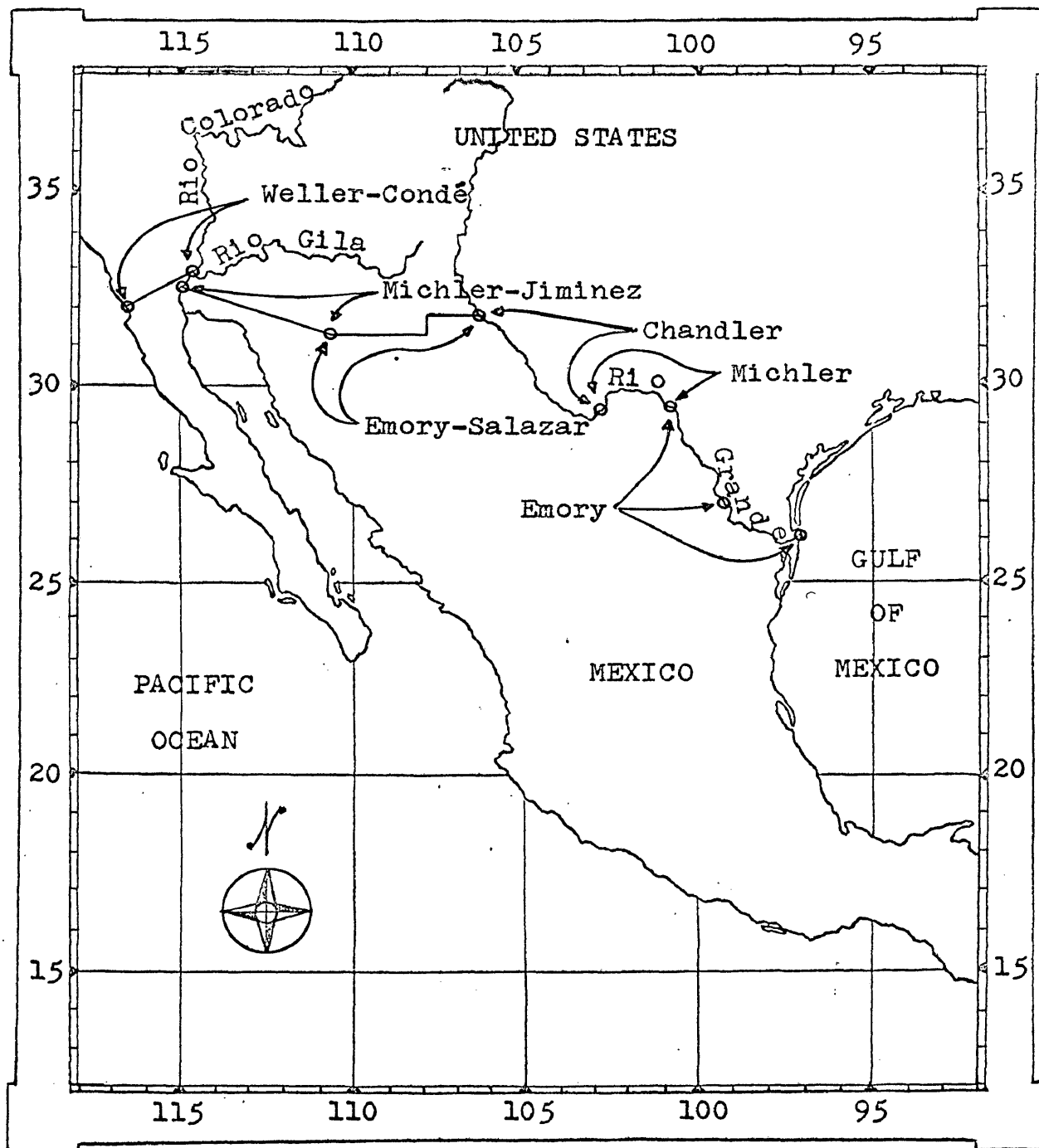


Fig. 18.

that year completely fulfilled.⁵¹ In the Journal of the Joint Boundary Commission, an entry dated June 25, 1856, reveals the finality of their accomplishment, which reads in part:

Resolved [underlining in the document], and agreed upon in joint commission, that these maps and views, duplicate copies of which will be made - one to be deposited with the United States, the other with the Mexican government - shall be evidence of the location of the true line, and shall be the record to which all disputes between the inhabitants on either side of the line, as to the location of that line, shall be referred; and it is further agreed that the line shown by these maps and views shall be regarded as the true line, from which there shall be no appeal or departure.⁵²

The report of the "United States and Mexican Boundary Survey" was communicated to Congress by President Pierce on July 29, 1856.⁵³ Later in that year, on November 29, Secretary of the Interior McClelland reported that the prescribed markers of the boundary were emplaced and the United States occupied the territory. Also, this report contained a legalistic opinion that changes in the course of the Rio Grande would not alter jurisdiction over such territory which may be effected.⁵⁴ Secretary McClelland paid exten-

⁵¹Sen. Ex. Doc. No. 57, Vol. XII, Ser. 821, 34th Cong., 1st Sess., p. 61.

⁵²Sen. Ex. Doc. No. 108, Vol. XX, Ser. 832, 34th Cong., 1st Sess., p. 38.

⁵³Ibid., p. v. This was eight years, one month, and twenty-nine days after exchange of ratifications in 1848.

⁵⁴H. Ex. Doc. No. 1, Vol. I, Ser. 893, 34th Cong., 3rd Sess., p. 179.

sive accolades to Commissioner Emory and the entire attitude of cooperation evidenced by the Third Joint Boundary Commission.⁵⁵

Additional reflections contained in Commissioner Emory's report covered some of the salient factors pertaining to those conditions relevant to the Gadsden Treaty. He noted that the route available through the territory thus acquired provided a passage of easy gradients, most suitable for construction of a military road or a national railway.⁵⁶ Additionally, the amount of land acquired by the treaty encompassed an area of some 26,185 square miles.⁵⁷

On the matters of the Indian incursions, Commissioner Emory was of the opinion that regardless of the extent of military force exerted, these depredations could not have been arrested nor contained. Also, he estimated that the extent of damages committed by the Indian upon the citizenry on the frontiers of Mexico, exceeded \$100,000,000.⁵⁸ Lastly, it should be noted that Commissioner Emory's report contained an unexpended balance of \$98,454.59, remaining from appropriations totalling some \$239,580.⁵⁹ This latter figure must be compared to the appropriations charged against

⁵⁵Ibid., p. 180.

⁵⁶Sen. Ex. Doc. No. 108, Vol. XX, Ser. 832, 34th Cong., 1st Sess., p. 93.

⁵⁷Ibid.

⁵⁸Ibid., p. 51.

⁵⁹Ibid., p. 22.

the operations of the first and second commissions, which totaled \$787,112.⁶⁰

The United States Boundary Commission had run its course through three organizations during the period from the Treaty of Guadalupe Hidalgo to its final report in 1856. Eight stormy years had passed, and the intervening perplexing divergencies only added to the gratification of a nearly impossible task well done.

⁶⁰Ibid., p. 21.

CHAPTER IV

CONCLUSIONS

The Boundary Commission

In outward appearances, the three United States Boundary Commissions charged with the responsibility of running and marking the coterminous boundary line, were chosen through the normal responsive processes of democratic government. Each was faced with entirely different major problems in field operations. In this regard, those of the first two Boundary Commissions became insurmountable. The third placement of a Boundary Commission in the field produced the successful combination of flexibility and astuteness gained from bitter experience.

The Boundary Commission of Mexico was, however, a product of a more autocratic system of government. This became more of an advantage to the successful conclusion of the operation, than a detraction. Continuity in the assignment of personnel by Mexico produced the appropriate blend which ultimately enabled the Joint Commission to complete its task. On only one occasion did it appear that Mexico might waver from its policy, but when the corrected informa-

tion was available, they retained José Salazar as Commissioner.

It must be concluded, as the obvious mutual trust between Commissioners Emory and Salazar is so amply disclosed in joint papers, that this combination proceeded with a professional determination of purpose. Additionally, it must be concluded that the acceptance by Commissioner Salazar, of all survey work accomplished by Commissioner Emory during the summer of 1853, greatly enhanced the successful results of this Joint Commission. This was a decided mark of credit for the Mexican attitude toward peaceful relationships.

Executive Power

During the course of time from 1848 to 1856, four Presidents occupied the seat of executive power in the United States. On one particular point they were in consistent agreement toward policy. Each President, from Polk through Pierce, recognized the absolute necessity of mounted troops on the frontier in sufficient numbers. Their continuous affirmation and requests throughout these years, for additional forces, would have precipitated an earlier confrontation with the inevitable Indian problem.

From this viewpoint it must be concluded that the executive branch of government possessed a greater perceptiveness and appreciation of United States responsibilities

during the period from 1848 to 1856.

In other matters directly effecting the Boundary Commission, the executive branch was not nearly as consistent. Underestimation of funds required to support the Boundary Commission in the field were transposed into meager appropriations by the Congress. This became the direct cause of failure of the First Boundary Commission. The executive viewpoint precipitated the demise of the Second Boundary Commission, by backing an agreement concluded in the field by Commissioners Bartlett and Condé. These two points present cases of direct involvement of the two branches of government with the Boundary Commission.

Therefore, it must be concluded that the executive power was wielded at the convenience of Congress, which held the ultimate check through its control of appropriations.

Congressional Power

The play of politics during the post-war years of 1848 to 1856, certainly proved the ability of Congress to dominate the workings of government. As a steadfast policy, the exceptional tight reins held by the legislative branch on appropriations for an adequate military force, precipitated the justifiable notes from Mexico on the subject of deterring Indian incursions. The power of Congress was also amply portrayed by ending the Second Boundary Commission in the face of executive policy which supported its judgements.

These two primary points necessitated the negotiation undertaken by Minister Gadsden.

Despite the fact that the Senate conducted the ratification of Gadsden's Treaty in Executive Session, certain obvious and basic changes thereto became common knowledge. Essentially, the mission of Minister Gadsden became a medium of communications between the United States and Mexico. The treaty thus concluded by, and bearing the name of Gadsden, should more accurately be attributed to the Senate.

The conclusion that is to be drawn concerning the Congress, must assign any detrimental results in carrying out the provisions of the Treaty of Guadalupe Hidalgo, squarely on the exercise of power by the legislative branch. Additionally, the treaty which followed in 1853, both proved the Congressional failures, and required them to take the course of corrective action so pursued.

SELECTED BIBLIOGRAPHY

I. UNITED STATES GOVERNMENT

Indexes

Poore, Benjamin Perley (ed.). A Descriptive Catalog of the Government Publications of the United States, September 5, 1774 - March 4, 1881. Washington: Government Printing Office, 1885.

This is a required volume for chronological subject matter, with the primary section arranged irrespective of document number and house of the legislature.

Tables of and Annotated Index to the Congressional Series of United States Public Documents. Washington: Government Printing Office, 1902.

The necessary companion publication to that listed above, with the major section arranged by subject, and a most important table showing the chronology of Congressional Sessions, broken down into document, volume, and serial numbers.

Digests

Moore, John Bassett. History and Digest of the International Arbitrations to which the United States has been a Party. 6 vols. Washington: Government Printing Office, 1898.

In this series, Volume II was most useful for information and statistical data relative to the various claims resulting from Indian incursions into the north of Mexico.

Poore, Benjamin Perley (ed.). The Federal and State Constitutions. 2 vols. Washington: Government Printing Office, 1878.

Volume II of this series contains the First Charter of Virginia.

Papers

American State Papers, Foreign Relations, Volume I, Serial 01.

The message of President Jefferson transmitting the Louisiana Purchase Treaty to Congress is contained in this document.

American State Papers, Foreign Relations, Volume II, Serial 02.

Within this document is the message of President Jefferson requesting an appropriation from Congress to purchase the Port of New Orleans, and the diplomatic correspondence relating to the conduct of negotiations for the purchase of Louisiana.

Statutes

United States, Statutes at Large, Volume V.

The Joint Congressional Resolutions for the Annexation of Texas are contained in the publication.

United States, Statutes at Large, Volume VIII.

This volume contains the text of the Treaty of Paris, 1783, that of the Louisiana Purchase Treaty, and the Floridas Cession Treaty.

United States, Statutes at Large, Volume IX.

The Oregon Treaty, Treaty of Guadalupe Hidalgo, New Mexico Territorial Act of Congress, and Congressional appropriations for the boundary survey are contained in this publication.

United States, Statutes at Large, Volume X.

In this volume the Gadsden Treaty, and Congressional appropriations for the boundary and railway surveys are published.

Journals

Senate Journal, 8th Congress, 1st Session.

This contains the ratification of the Treaty with France for the purchase of Louisiana.

Senate Executive Journal, Volume VIII.

The confirmations of Ministers are entered herein.

Senate Executive Journal, Volume IX.

The messages and proceedings relating to the Conkling Convention, and information concerning the Gadsden Treaty are contained in this document.

Senate Executive Journal, Volume X.

This volume contains additional information relating to the Gadsden Treaty.

Congressional Globe, New Series Number 1.

This volume contains a floor discussion of the Treaty of Guadalupe Hidalgo.

Congressional Globe, Volume XXI.

The resolutions submitted by Clay in 1850, which were used as the basis for the subsequent compromise and legislation, are published herein.

Congressional Globe, Volume XXVI.

Speeches from the floor relating to Mexico are contained in this publication.

Congressional Globe, Volume XXVIII.

The floor discussion relating to the money bill in the House is covered in this volume.

Congressional Documents

16th Congress, 1st SessionSenate Document Number 2, Volume I, Serial 26.

President Monroe transmitting the Floridas Cession Treaty to Congress for ratification, with diplomatic correspondence.

Executive Paper Number 120, Volume VIII, Serial 38.

Presidential Message and transmitting correspondence subsequent to the Floridas Cession Treaty, but prior to final ratification.

Executive Paper Number 121, Volume VIII, Serial 38.

Transmitting the proclamation of ratification of the Floridas Cession by the King of Spain.

House Executive Document Number 2-27, Volume I, Serial 17.

Transmitting the diplomatic correspondence with Spain prior to the Floridas Cession Treaty, and subsequent to the defeat of Napoleon.

19th Congress, 2nd Session

House Executive Document Number 25, Volume II, Serial 149.

This document contains the initial instructions to Minister Poinsett, for the purchase of Texas.

22nd Congress, 1st Session

House Executive Document Number 225, Volume V, Serial 220.

The Treaty of Limits with Mexico, negotiated by Minister Poinsett in 1829 and ratified in 1832, is contained herein.

24th Congress, 1st Session

Senate Report Number 406, Volume IV, Serial 284.

Clay's Senate Committee on Foreign Relations advise President Jackson on matters relating to the methods of extending recognition to a foreign state.

24th Congress, 2nd Session

Senate Executive Document Number 1, Volume I, Serial 297.

President Jackson's Annual Address in which he advised the Congress of the status of Texas.

Senate Executive Document Number 160, Volume II, Serial 298.

Jackson's request for reprisals against Mexico.

27th Congress, 3rd Session

House Executive Document Number 166, Volume V, Serial 422.

Correspondence relating to the incident of the early capture of Monterey.

28th Congress, 1st Session

Senate Executive Document Number 341, Volume V, Serial 435.

Diplomatic correspondence with Texas and Great Britain, concerning the annexation of Texas.

House Executive Document Number 271, Volume IV, Serial 444.
President Tyler's message concerning Texas, and
the correspondence between Houston and Jackson.

29th Congress, 1st Session

House Executive Document Number 196, Volume VI, Serial 485.
President Polk's War Message.

House Executive Document Number 197, Volume VI, Serial 485.
Dispatches from General Taylor advising of the
commencement of hostilities.

30th Congress, 1st Session

Senate Executive Document Number 52, Volume VII, Serial 509.
Instructions to Commissioner Trist, transmitting
the Treaty of Guadalupe Hidalgo, and transmitting
the authenticated Disturnell map.

House Executive Document Number 69, Volume VIII, Serial 521.
Notification of the exchange of ratifications, and
President Polk's request for the appropriation to
fulfill the treaty obligations.

House Executive Document Number 71, Volume VIII, Serial 521.
Message concerning statistical data relative to
the Mexican Cession.

House Executive Document Number 74, Volume VIII, Serial 521.
Adjutant General's report concerning Army distri-
bution and strength.

House Executive Document Number 76, Volume VIII, Serial 521.
Secretary of War report of detailed distribution
of Army forces, and an estimate of Indians.

30th Congress, 2nd Session

Senate Miscellaneous Document Number 5, Volume I, Serial
533.
New Mexican citizens petition for government.

House Executive Document Number 1, Volume I, Serial 537.
Presidential Annual Message and Army Adjutant

General Report, in addition to Army General Orders and correspondence.

House Report Number 145, Volume II, Serial 546.

Committee report recommending a preliminary survey of railway routes to the west coast.

31st Congress, 1st Session

Senate Executive Document Number 1, Volume I, Serial 549.

Report of the Adjutant General, with troop distributions and military engagements, in addition to a report by the Commissioner of Affairs.

Senate Executive Document Number 34, Volume X, Serial 558.

Correspondence relating to the Boundary Commission in the field.

Senate Executive Document Number 44, Volume X, Serial 558.

Diplomatic correspondence with the Mexican Legation.

Senate Report Number 123, Volume I, Serial 565.

Contains the recommendations of the Committee of Thirteen, based on Clay's resolutions.

Senate Report Number 183, Volume I, Serial 565.

Select Committee returning a negative report on the Presidential request for additional mounted troops for deployment to the western frontier.

House Executive Document Number 5, Volume III, Serial 570.

Presidential Annual Message recommending admission of California to the Union, report of the Department of the Interior, and the assignment of Topographical Officers to the Boundary Commission.

31st Congress, 2nd Session

Senate Executive Document Number 1, Volume I, Serial 587.

Adjutant General report concerning the use of militia troops in the Territory of New Mexico.

House Executive Document Number 4, Volume II, Serial 595.

Presidential Annual Message, diplomatic correspondence with the Mexican Legation, and correspondence of the Secretary of the Interior.

32nd Congress, 1st Session

Senate Executive Document Number 1, Volume I, Serial 611.

Presidential Annual Message, report of the Indian Commissioner, Boundary Commission report, and a report of progress in railway surveys.

Senate Executive Document Number 1, Volume II, Serial 612.

Report of the Secretary of War, and the Army General-in-Chief.

Senate Executive Document Number 1, Volume III, Serial 613.

Recommendation of special commission relating to the construction of a railway on the southwestern boundary, as a means of controlling the Indians.

Senate Executive Document Number 34, Volume VIII, Serial 618.

Report concerning the amount of monies paid to United States citizens under the provisions of the Treaty of Guadalupe Hidalgo.

Senate Executive Document Number 60, Volume IX, Serial 620.

Transmitting charges preferred against Bartlett.

Senate Executive Document Number 87, Volume IX, Serial 620.

Contains report of filibustering expedition into Mexico.

Senate Executive Document Number 97, Volume X, Serial 621.

Correspondence relating to the Isthmus of Tehuantepec, and that of the Salas Decree.

Senate Executive Document Number 119, Volume XIV, Serial 626.

Instructions to various Boundary Commissioners, Boundary Commission Journal, and correspondence with the Mexican Legation.

Senate Executive Document Number 120, Volume XV, Serial 627.

Diplomatic correspondence with Mexico.

Senate Executive Document Number 131, Volume XV, Serial 627.

Correspondence of Secretary of the Interior.

Senate Report Number 345, Volume II, Serial 631.

Committee report opposed to initial point.

House Executive Document Number 2, Volume II, Serial 634.

Presidential Annual Message, with War Department.

House Executive Document Number 2, Volume II, Serial 632.

Report of the Department of the Interior, and copy of Presidential Proclamation on Filibustering.

House Executive Document Number 117, Volume XII, Serial 648.

Request for additional appropriations to complete the railway surveys.

32nd Congress, 2nd Session

Senate Executive Document Number 1, Volume I, Serial 658.

Presidential Annual Message, information and correspondence with the Second Boundary Commission, and report of the Secretary of the Interior.

Senate Executive Document Number 1, Volume II, Serial 659.

Report of filibustering expedition.

Senate Executive Document Number 9, Volume III, Serial 660.

Secretary of the Interior request for additional appropriation for boundary survey.

Senate Executive Document Number 41, Volume VII, Serial 665.

Bartlett's report on Second Boundary Commission, Commission Journal, correspondence, and information relating to Mesilla Valley.

Senate Report Number 401, Volume I, Serial 671.

Report of Senate Select Committee relating to the terminus of the Second Boundary Commission.

33rd Congress, Special Session

Senate Executive Document Number 6, Volume I, Serial 688.

Petition of Texas delegation to Congress protesting Bartlett-Condé line, Presidential correspondence on same subject, additional report of Bartlett, and report of funds expended on survey of boundary.

33rd Congress, 1st Session

Senate Executive Document Number 1, Volume I, Serial 690.

Presidential Annual Message, report of the Secretary of War, Adjutant General report with distribution of forces, and military expenditures.

Senate Executive Document Number 1, Volume II, Serial 691.
Report on the distribution of forces in detail.

House Executive Document Number 1, Volume I, Serial 710.
Information relative to the transfer of the boundary question from the Department of Interior to the Department of State, and report of Indian population.

House Executive Document Number 1, Volume I, Serial 711.
Report of the Army General-in-Chief.

House Executive Document Number 18, Volume V, Serial 717.
First preliminary report from railway survey expeditions.

House Executive Document Number 33, Volume V, Serial 717.
Request for additional appropriation for boundary survey.

House Executive Document Number 109, Volume XIII, Serial 726.
Gadsden's Treaty transmitted to House, with a request for appropriations to carry out treaty provisions, and information relating to the exchange of ratifications.

House Executive Document Number 129, Volume XVIII, Serial 736.
Railway survey report [filed under this date, but printed in 1855].

33rd Congress, 2nd Session

Senate Executive Document Number 1, Volume I, Serial 746.
Presidential Annual Message, report of the Secretary of the Interior, and report of the Secretary of War.

Senate Executive Document Number 1, Volume II, Serial 747.
War department report of troop dispositions, and an estimate of the Indian population.

Senate Executive Document Number 25, Volume VI, Serial 751.
Report of filibustering expedition.

House Executive Document Number 15, Volume IV, Serial 782.
Report concerning an Indian band led by Wildcat, conducting incursions from Mexico to Texas.

House Miscellaneous Document Number 8, Volume I, Serial 807.
Railway survey report by John C. Frémont.

34th Congress, 1st Session

Senate Executive Document Number 1, Volume I, Serial 810.
Presidential Annual Message, report of the Secretary of the Interior, and report of the Surveyor General of New Mexico.

Senate Executive Document Number 57, Volume II, Serial 821.
Journal of the Third Boundary Commission, with correspondence relating to that subject, and correspondence relating to the monies due Mexico under the provisions of Gadsden's Treaty.

Senate Executive Document Number 108, Volume XX, Serial 832.
This is the first volume of a three volume set, containing the final report of Commissioner Emory on the Third Boundary Commission.

34th Congress, 3rd Session

House Executive Document Number 1, Volume I, Serial 893.
Presidential Annual Message, with report of the Secretary of the Interior, and matters related to the Third Boundary Commission.

35th Congress, 2nd Session

Senate Executive Document Number 18, Volume VII, Serial 981.
Report of claims occurring subsequent to the Treaty of Guadalupe Hidalgo.

41st Congress, 2nd Session

Senate Report Number 261, Volume I, Serial 1409.
Proceedings, report, and recommendations of a Senate Committee investigating the petition of Nicholas Trist, concerning payment for the period of time spent in Mexico negotiating the Treaty of Guadalupe Hidalgo, with the findings of favorable consideration.

44th Congress, 2nd Session

Senate Executive Document Number 31, Volume III, Serial 1720.

Report of claims subsequent to the Treaty of Guadalupe Hidalgo.

Microfilm Collections

Andrew Jackson Papers. Washington: The Library of Congress, 1959.

A most valuable collection of correspondence to and by former President Jackson.

Martin Van Buren Papers. Washington: The Library of Congress, 1960.

This is a most extensive collection of letters to and by Van Buren, with notes, memoranda, drafts, in addition to clippings from various sources, and official papers from public life.

II. UNOFFICIAL SOURCES

Personal Narratives

Bartlett, John Russell. Personal Narrative of Explorations and Incidents in Texas, New Mexico, California, Sonora, and Chihuahua, connected with the United States Boundary Commission, During the Years 1850, '51, '52, and '53. 2 vols. New York: D. Appleton and Company, 1854.

The first volume of this set was most helpful to the story of the Second Boundary Commission. The personal experiences and reflections of a principal party on the Commission was of great assistance.

Santa Anna, Antonio Lopez De. Mi Historia Militar y Politica, 1810-1874. Mexico City: Libreria De. La. Vda. De. Ch. Bourel, 1905.

This account was completed by General Santa Anna many years after the events which transpire with his Presidential administration during the negotiations with Minister Gadsden. However, in view of the fact that there is considerable agreement with other principals, it becomes most valuable.

Biography

Johnson, Allen,. and Malone, Dumas (eds.). Dictionary of American Biography. 20 vols. New York: Charles Scribner's Sons, 1930.

This series of volumes were exceptionally well adapted to the story of the Boundary Commissions, particularly in view of the fact that it is about the people of the times. One gains insight into seemingly isolated incidents, when a knowledge of a persons whole life is readily available.

Stephan, Sir Leslie., and Lee, Sir Sidney (eds.). The Dictionary of National Biography. 22 vols. London: Oxford University Press, 1921-22.

Volume X of this series was used for the initial period covering the First Charter of Virginia.

Collected Source Documents

MacDonald, William (ed.). Documentary Source Book of American History, 1606-1913. New York: The MacMillan Company, 1917.

This collection was very helpful from the standpoint of inclusion of considerable early documentation not found in similar volumes. This of course is a result of a massive selection of important and necessary public papers since the date of this book.

Richardson, James D. (ed.). A Compilation of the Messages and Papers of the Presidents. 10 vols. New York: Bureau of National Literature, 1897.

A very monumental collection of prime importance to the development of any paper dealing with the history of a public institution, which is considered a necessity to following the trends of Presidential transactions with the Congress.

Books

Garber, Paul Neff. The Gadsden Treaty. Glouster: Peter Smith, 1959.

This volume is well deserving of the honor as the standard for works relating to the events of the Gadsden Treaty. There is considerable detail and most helpful objectiveness contained herein.

Rippy, J. Fred. The United States and Mexico. 2nd ed. revised. New York: F. S. Crofts & Co., 1931.

The overview of relationships between the United States and Mexico are particularly well covered in depth by this volume. It was also most helpful for an objective understanding of the filibustering in Mexico by citizens of the United States.

Tucker, Glenn. Dawn Like Thunder. New York: The Bobbs-Merrill Company, Inc., 1963.

A very recent book on the birth of the United States Navy, which has a main theme of the various North African Pirate States. However, it was most helpful by delineation of the conditions concerning the relations with Napoleon's France in the early nineteenth century.

