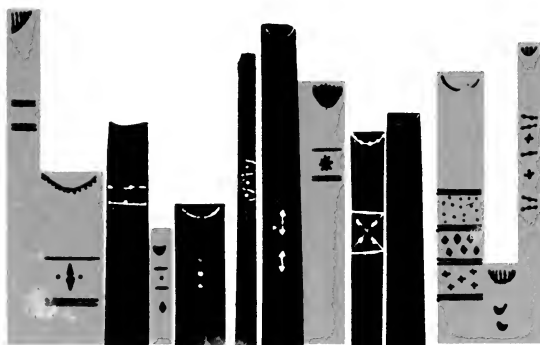


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NEW MEXICO HISTORICAL REVIEW

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PERCY M. BALDWIN

GEORGE P. HAMMOND

FRANK T. CHEETHAM

THEODOSIUS MEYER, O. F. M.

VOLUME XIV

1939

PUBLISHED QUARTERLY BY
THE HISTORICAL SOCIETY OF NEW MEXICO
AND
THE UNIVERSITY OF NEW MEXICO

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CONTENTS

NUMBER 1, JANUARY, 1939

	<i>Page</i>
New Mexico's Fight for Statehood, 1895-1912, I Marion Dargan	1
The American Occupation of New Mexico, 1821-1852, I Sister Mary Loyola	34
Report of the Finance Committee of the Government of New Spain, March 28, 1692, Officially Author- izing Governor Vargas to Reconquer New Mexico J. Manuel Espinosa	76
The Government and the Navaho, 1846-1858 Frank D. Reeve	82
News Notes from Sevilla, Spain, Nov. 26, 1938 Lansing B. Bloom	115

NUMBER 2, APRIL, 1939

New Mexico's Fight for Statehood, 1895-1912, II Marion Dargan	121
The American Occupation of New Mexico, 1821-1852, II Sister Mary Loyola	143
Notes: Professor Bloom in Seville	200
Book Reviews:	
Brand and Harvey (eds.), <i>So Live the Works of Men; Hewett 70th Anniversary Volume</i> Wayne Mauzy	204
Hewett, <i>Ancient Andean Life</i> P. A. F. W.	206
Hammond (ed.), <i>The Historian</i> , vol. I, No. 1 P. A. F. W.	208
Shotwell, <i>The History of History</i> P. A. F. W.	209
Necrology:	
William B. Walton . <i>Albuquerque Morning Journal</i>	211

NUMBER 3, JULY, 1939

	<i>Page</i>
Report of the Commissioners on the Road from Missouri to New Mexico, October 1827, edited with two map sections	Buford Rowland 213
The American Occupation of New Mexico, 1821-1852, (concl'd)	Sister Mary Loyola 230
I Helped Raise the Rough Riders .	Albert W. Thompson 287
Necrology	
Alfred M. Bergere	Brian Boru Dunne 300
Jerry O. H. Newby .	<i>Albuquerque Morning Journal</i> 303
General G. A. Z. Snyman .	<i>Las Vegas Daily Optic</i> 304
Epiménio Martínez .	<i>Albuquerque Morning Journal</i> 304
William Ashton Hawkins	Guthrie Smith 305

NUMBER 4, OCTOBER, 1939

Federal Control of the Western Apaches, 1848-1886, I	Ralph H. Ogle 309
The Vargas Encomienda	Lansing B. Bloom 366
Notes and Reviews:	
Gran Quivira-Humanas	George Kubler 418
Alessio Robles, <i>Coahuila y Texas en la época colonial</i>	L. B. B. 421

NEW MEXICO
HISTORICAL REVIEW

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INDEX

- Abert, Lieutenant, 83, 86
- Abó, 418, 420
- Acevedo, Fray Francisco de, 418, 420
- Ácoma, peace pow-wow at, 343
- Alamán, Mexican official, 47, 218, note
- Albright, John G., 127-8
- Albuquerque, garrison at, 95; 119, 124, 127
- Albuquerque Citizen*, cited on statehood, 8-9, 15, 25, 137
- Albuquerque *Journal-Democrat*, founded, 127; on statehood, 9, 10, 12, 16, 140
- Albuquerque, the Duke of, 392-401, *passim*
- Alessio Robles, Vito, *Coahuila y Texas en la época colonial*, rev'd, 421
- Alley, Lieutenant, 111
- Almonte, Mexican official, 151
- Altamira y Crevea, Rafael, cited, 374, note
- Álvarez, Manual, 49-52, 58, 66, 242-3
- Amasa, Chief, 360
- "American Occupation of New Mexico, 1821-1852," by Sister Mary Loyola, 34-75, 143-173, 230-286
- Andean Life, Ancient*, by E. L. Hewett; rev. of, 206
- Angney, Capt. W. Z., 160, 232
- Apaches, 91-2, 174-199 *passim*; 244-5, 309-365 *passim*; Mexican policy with, 336-8. *See* Arivaipa, Chiricahua, Copper Mine, Coyotero, Gileño, Jicarilla, Mescalero, Mimbresños, Pinaléño, Sierra Blanca (White Mountain), Tonto, Western Mogollón
- Apache Pass, 321, 354
- Arapahoes, 177-225 *passim*
- Archuleta, Col. Diego, 161-168 *passim*
- Arivaipa Apache, 317-8, 349
- Arizona, made a territory, 4; census of 1850, 5; 309-365 *passim*. *See* Apache, boundaries, Gadsden Treaty, Guadalupe-Hidalgo, Indians, Hopi, Navaho, Prescott
- Armijo, Antonio, 49
- Armijo, Gov. Manuel, 57, 65, 69, 73, 160-5, 251, 256-261
- Arredondo, Joaquín de, 247
- Athapascan, migration, 313-5. *See* Apache, Navaho
- Azevedo. *See* Acevedo
- Backus, Major E., 99, note; 101
- Bailey, George, 349
- Baird, James, 41, 53-4
- Baird, S. M., 101-4 *passim*; 263
- Baker, Judge, 276, 281
- Bandelier, Adolf, 322, 418, 419-20
- Bartlett, James R., 268-9, 340, 342
- Bascom, Lieut. G. N., 352
- Beall, Lieut.-Col., 238
- Bear Springs, 85
- Beaubien, Carlos, 70-73
- beaver, hunting of, 52-54
- Becknell, Capt. Wm., 42-43
- Benavides, Padre, 420
- Bennett, Col. C. E., 362
- Bent, Charles, 64-9, 82, 86, 174-8, 231
- Bent's Fort, 64-6, 160, 177, note
- Benton, Senator T. H., 43-5, 161-2, 167, 213-4, 235-8
- Bergere, Alfred M., necrology, 300-303
- Bermúdez Plata, Don Cristóbal, 116-7, 200
- Bernalillo, death of Vargas at, 393
- Bernalillo county, 241
- Bloody Tanks, 356
- Bloom, L. B., "News Notes," 115-120, 200-203; 204; "Vargas Encomienda," 366-417
- Bloom, Maude McFie, archive work, 117, 201, 372, note
- Bonneville, Col. B. L., 346-7, 350
- Bosque Redondo, 357, 364
- boundaries, 46; Navaho, 108; 173, 197, 229, 237, 240-1, 246-273, 285
- Bourke, John G., 322, 331-2
- Bowman, Capt. A. W., 339-340
- Box, Capt. M. J., rare book by, cited 342, note
- Brazinas, title of Marqués de la Nava de, 389, 396, 412
- Brown, J. C., 215-219
- Browne, J. Ross, 355
- Buford, Lieut. John, 91-92
- Burke, W. S., 127
- Burr, Aaron, 39
- Butler, minister to Mexico, 56, 143-4
- Butterworth, Col. Sam, 356
- Calderón, Don Juan Gonçalves, 377, 381, note
- Calhoun, James S., 87-100 *passim*; 178-199 *passim*; 240, 276-282, 284, note; 340-3 *passim*
- California, New Mexico trade, 49, 338; U. S. in, 151-3, 155, 247-250; Indians, 336, 359

- Canadian River, 227
 Canyon de Chelly, 88, 94-6, 109
 Carleton, Gen'l J. H., 353-364 *passim*
 Carson, Kit, 68-69
 Casafuerte, Viceroy Marqués de, 413
 Castañeda, Carlos E., cited, 120
 Catron, Thos. B., 8, 19-22, 25, 28-30, 31, 133
 Cayugas (Cayguas). *See* Kiowas
 Cebolleta, 83, 85, 90-5 *passim*; 109
 census data, 5, 275
 Chacón y Salazar, Admiral Joseph de Medina, made governor, 398, note
 Chandler, Lieut.-Col., 91
 Chapitone, Navaho, 88
 Chavarría, Custodian Fray Diego de, 387
 Chaves, José Francisco, 6
 Cheyennes, 177-192 *passim*
 Chihuahua, boundaries, 46, 197, 247-8; N. Mex. trade, 45, 49-52; Indians, 175-199 *passim*; 310, 338, 358
 Chilili, 418-419
 Chino Valley, 355
 Chiricahua Apache, 315-363 *passim*
 citizens at Taos in 1841, U. S., 67
 Clark, Major [Meriwether Lewis], 160
Coahuila y Texas en la época colonial, by Alessio Robles, rev'd, 421
 Coan, Charles F., cited, 373, note
 Cochise, Apache chief, 351-363 *passim*
 Collins, Col. James L., 347, 352-3
 Colonial policy, of U. S., 2; of Spain, 366 *et seq.*
 Colorado River, 310, 358, 361, 363
 Comanches, 35, 38, 177-192 *passim*, 224-235, 309
 commerce, 34-75 *passim*, 91-2, 213-229, 233
 concubinage, 374, note
 Condé, Don Pedro García, 257, 268
 Connelly, Henry, 242
 consuls, U. S., to Mexico, 45
 Convention of 1849, N. Mex., 238-240
 Cooke, Capt. (P. St. G.), 57, 161
 Cooley, Indian commissioner, 364
 Copper Mine Apaches, 316
 Coronado, Don Francisco Vásquez de, 118, 201, 203, 367, 403, note; 422
 Coronado Library, 370, note; 372, note
 Cortés, Hernán, 366
 courier service, Santa Fé to Mexico, 376; note; [*pliego de avisos*], 373
 Coyotero Apaches, 315, 351, 355
 Cremony, Capt. John C., 268, 319, 331, 354
criado, 403, note; 374, note; 379, note; 382, 398 *et seq.*, 408, 411
 Crook, Gen'l George, 321
 Cruzate. *See* Jironza Petris de Cruzate
 Cuaraí. *See* Quarai
 Cubero, Capt. Pedro Rodríguez de, 374-393 *passim*, 401
 Cuchillo Negro, killed, 346
 Cuervo de Valdés, Gov. Francisco, 396, note; 398-9
 Cuesucama, chief, 363
 Cunningham, Francis, 242
 custodians, in New Mexico, 387
 Dargan, Marion, "New Mexico's Fight for Statehood, 1895-1912," 1-33, 121-142
 Davis, Capt. N. H., 364
 Lemocrats, and statehood, 7-10, 30, 134, 136
 Dodge, Henry L., agent, 104, 106, 111; 346
 dole system, Navaho, 109-110
 Doña Ana, Apache attack, 339
 Doniphan, Col. A. W., 84-5, 160, 166, 180
 Dryden, William G., 251
 Dunlap, Texan commissioner, 249-250
 Dunn, Brian Boru, necrology of A. M. Ber-gere, 300-3
 Durango, 247-248
 education, in N. Mex., 232, 238, 243, 284
 Elkins, Stephen B., 6, 19, 21, 28, 31
 Ellis, [Powhatan], 144, 147
 El Paso, 76, 246, 248, 264, 269, 324, 376, 382, 385, note
 Emory, Major, 268-272 *passim*
encomienda, of Vargas, 366-417; number limited in N. Mex., 370
 Escalona, Viceroy Duke of, 370
 Espinosa, José Manuel, paper on Vargas, 76-82; cited, 373-414 *passim*
 Fall, Albert B., 8, 30, 305-6
 Fauntleroy, Col. T. T., 350-1
 "Federal Control of Western Apaches, 1846-86," by R. H. Ogle, 309-365
 Fergusson, Harvey, 8, 30
 Fillmore, President, 245, 274
 Fitzpatrick, Thos., Indian agent, 184
 Flores Mogollón, Gov. Juan Ignacio, 399-410 *passim*
 Florida, Marqués de la, 385
 Forts; Bowie, 354, 357, 361; Buchanan, 346, 352, 359; Defiance, 96, 99, 107, 110, 113, 114; Goodwin, 357, 361, 363; Lowell, 356; Marcy, 165; McDowell, 317, 362-3; Osage, 215, 222-3, 229; Thomas, 358; Union, 96; Webster, 340-9 *passim*; West, 354; Whipple, 355, 360. *See* Bent's Fort

- Franciscan friars, 368-389 *passim*; 405, 410
 Frost, Col. Max, 131
- Gadsden, James, 271; Treaty, 197-9, 271-2, 317, 342-9 *passim*
- Gains, General, 145-147
- Galisteo, 119
- Garland, Gen'l John, 105, 112, 345, 348
 geography of Basin-Range and Plains country, 310-2, 225-6
- Gila River, 336, 353, 358, 361
- Gileño Apache, 315-355 *passim*
- Gilpin, Major, 84-85
- Goodwin, Governor (Arizona), 360-1
- Gorman, Maj. James, 363
- Gorostiza, minister (Mexico to U. S.), 145-7
- government of the Navaho, 82-114; Territorial, 274-5
- Gran Quivira, 418-421
- Gray, Andrew B., 268-269
- grazing, 106-7
- Greiner, John, 99, 102, 178, 282-3, 343-5
- Guadalupe-Hidalgo, treaty of, 4, 15, 75, 88, 172-3, 180-3, 190-9, 267, 276, 337-8, 345
- Guerra, Fray Salvador, 370, note
- Hacienda, Junta de, 76-81 *passim*
- Hailles, Thos. D., 61
- Harrington, John P., 313-314
- Hall, W. P., 166
- Hawkins, Wm. A., necrology on, 305
- Heath, John, 64
- Hewett, E. L., review of books by, 204, 206
- Hill, Roscoe R., 381, note
- History of History* by Shotwell, rev'd, 209
- Hodge, Frederick W., cited, 312-4
- Hopi, 83, 177-192 *passim*, 315
- Hosekma, Chief, 360
- Houghton, Joab, 69-70
- Howe, M. S., 90
- Hrdlicka, Ales, cited, 319, 321, 335
- Huerta, Don Toribio de la, 76, 376
- Humanas, 35, 418-421
- Hunt, Memucan, 249
- Hurtado. *See* Paez Hurtado
- Internal Provinces, 247
- Iretaba, Chief, 363
- Isleta, 86, 94
- Jackson, Lieut.-Col. Congreve, 83
- Jémez, 88-89 *passim*
- Jicarilla Apache, 345
- Jiménez, Francisco, Mexican commissioner, 272
- Jironza Petris de Cruzate, Gov., 377
- Joseph, Antonio, 6, 20
- Jimano. *See* Humanas
- Kansas Indians, 38, 216-7
- Kearny, Gen'l S. W., 83, 159-73 *passim*; 230-1
- Kearny Code, 230
- Kendrick, Major, 103-112 *passim*
- Ker, Captain, 87-8, 90-1
- Kino, Padre, 336
- Kiowa, 177-192 *passim*; 224-5
- Kubler, George, "Gran Quivira-Humanas," 418-421
- Laguna, 86
- Laguna Negra, treaty of, 107
- La Junta Tract, 64
- I.a Lande, Juan B., 36-37
- Lamar, President (Texas), 249-254
- Lamy, Archbishop, 281-282
- land grants, 5-6, 20, 64, 74, 284-5
- Lane, Gov. Wm. Carr, 100-6 *passim*; 270, 344
- lanzas (military tax), 396, note
- Las Vegas, Kearny at, 162-3; 339
- Lea, Commissioner L., 194
- Ledesma, Joseph de, 389, note
- Leihy, G. W., 360-362
- Leonard, I. A., cited, 376, note
- Letrado, Fray Francisco de, 420
- Lewis, Col. C. H., 361
- Linares, Viceroy Duque de, 399, 407, 410
- Lipscomb, Abner S., 251
- Lira, Manuel de, 375, 381, note
- Llewellyn, Maj. W. H. H., 12-4, 21, 23, 133
- López, Fray Bernardo, 405
- López de Zárate, Don Ignacio, 379, note; 384, 389, 394-7
- Loretto, Sisters of, 284
- Loring, Col. W. W., 346
- Loyola, Sister Mary, "American Occupation of New Mexico, 1821-52," 34-75, 143-173, 230-286
- McCall, George A., 95
- McCreight, W. T., 126
- McDowell, Gen'l Irvin, 360, 362, 363
- McKinley, President, and N. Mex., 10; 16
- McMahon, M. T., 353
- Maas, Father Otto, cited, 381, note
- Magoffin, James, 161-2
- Mancera, Viceroy Marqués de, 375

- Mandan, 37
 Mangas Coloradas, 338-354 *passim*
 Manuelito, Chief (Navaho), 109, 341
 Manypenny, Commissioner, 108
 Maricopa, 356, 362
 marriage forms, Spanish, 374, note
 Marron, O. N., 16
 Martínez, Antonio José, 235
 Martínez, Epiménio, necrology on, 304
 Martínez, Don Felix, 379, note; 398, 399, note; 404, 406-9, 410-1
 Martínez, Mariano, 88
 Mason, Gen'l J. S., 360-4
 Mather, Thos. B., 215-228
 Mauzy, Wayne, book-rev. by, 204
 Maxwell, Lucien B., 72-3
 Mendoza, Viceroy Antonio de, 367, 403, note
media anata, 376, 378, 394, 403-4, 412
 Meriwether, Gov. David, 105-7, 271, 344-5, 347
 Mescalero Apache, 345, 357
 Messervy, Wm. S., 242, 245
 Mexico. *See* boundaries, commerce, courier service, *encomienda*, Guadalupe-Hidalgo, Indians, Texan-Santa Fé Expedition
 Miles, Col. Dixon S., 105, 346
 Military rule, 169, 171-3, 231-2, 283, note
 Mimbrenos, 315-364 *passim*
 mining, 44, 69, 78-80, 109, 275-6, 283, 347, 353, 359, 375
 Mogollón. *See* Flores Mogollón
 Mogollons (Apache), 346-357 *passim*
 Mohave, 317-8, 363
 Monroe, Colonel, 91, 93, 94, 241-3, 278, 340
 Montañes, Archbishop Ortega y, 392
 Mormons, 159, 166, 265
 Mower, Judge, 290
 Mowry, Lieut. Sylvester, 347
 Muller, Capt. Frederick, 292, 294, 297
 Muños de Castro, Fray Juan, 387
 Murphy, N. O., 25
 Muskogees, 198
- Nait, naturalized American, 256
 Narbonna, Governor, 219-220
 Narbonna, Navaho chief, 84, 88
 Nava de Barçinas, Marqués de la. *See* Brazinas
 Navaho, 82-114, 166, 175-6, 178-183, 186-192, 342, 357
 Neighbors, Robert S., 264
 Newby, Jerry O. H., necrology on, 303
 newspapers, 1-33 *passim*; 121-142 *passim*
- Nolan, Gervace, 73-74
 Nueva Galicia, 367
 Nueva Viscaya, 396, note
 Nuevo León, 198
- Obregón, minister from Mexico, 45-6
 Ogle, Ralph H., "Federal Control of Western Apaches, 1848-86," I, 309-345
 Oñate, Don Juan de, 118, 367-8, 371, 420
 Organic Act, 274
 Ortiz, Don Ramón, 234
 Osage Indians, 38, 216-7
 Otermin, Governor, 377
 Otero, Miguel A., 2, 17-9, 22-8, 121, 133, 287-8
 Overland Route, 213-229, 349, 352-3
 Overman, Charles, 343
- Padilla, Juan, of Atrisco, 92
 Padilla, Fray Juan de, 422
 Paez Hurtado, Don Juan, 379, note; 393, 398, 400, 403, 409-10
 Paredes, Conde de, 395
 Parral, 79
 Parrott, envoy to Mexico, 152
 Pawnee, 36, 224-5
 Paxson, Frederick L., 8
 Pecos valley, population (1890), 5
 Peñuela, Marqués de la, 398-9, 411
 Peralta, Don Pedro, 367-8
 Perea, Pedro, 7, note; 20, 22, 31
 Pérez Balsera, Don José, cited, 373-417 *passim*
 Pike, Lieut. Z. M., 38
 Pimas, 315, 317, 356, 362
 Pimentel de Prado, Doña Beatriz, 373
 Pimentel. *See* Vargas Pimentel
 Pinal Coyotero, 318, note; 351, 355
 Pinaleno Apache, 315-363 *passim*
 Pino, Pedro Bautista, 119
 Pinos Altos, 341, 353-4, 364
 Poinsett, Joel, 42, 46, 48, 55-6, 143-4, 218, note; 220-1
 political leaders (in 1890's), 1-33
 Polk, President, 86, 152, 156-9, 173, 183, 233-5, 244
 population, 5. *See* Indians
 Porras, Don Manuel, 408
 Porras, Don Plácido de, 408
 Poston, Charles D., 355-361 *passim*
 Prada, Fray Juan, 368-370
 Prescott (Ariz.), 355-363 *passim*
 Price, Col. Sterling, 161-9 *passim*; 232-4, 238
 Priestley, H. I., cited, 370

- Prince, L. Bradford, 5
 Pueblo Indians, 76, 89, 92, 165, 178-195
passim; 315, 336, 368, 378, 395, 403
 Pueblo Viejo, 351
 Purcell, James, 37-38
- Quarai, 418
 Quivira. *See* Gran Quivira
- Randall, Lieut. Horace, 346
 Reeve, Frank D., "The Government and the Navaho, 1846-58," 82-114
 Reeve, Col. I. V., 351-2
 Reeves, Benjamin H., 215-228
 Reid, Captain, 84
 Reneros, Governor, 377
 Republicans. *See* political leaders; statehood.
 Revolt of Pueblo Indians, 76
 Rio Arriba, 241
 Rio de las Palmas, *not* the Rio Grande, 120
 Rio Grande, valley raided, 82-3
 Riva Palacio, cited, 375, 392
 Rivera, Fray Payo Enrique de, 375
 road, from Missouri, 213-229; Mexico to Santa Fé, 422
 Roberts, Capt. Thomas, 354
 Robidoux brothers, 52, 69, 162
 Rodey, Bernard C., 9-10, 16, 125, 135
 Roosevelt, Theodore, 11-6, 133, 287-299
 Rosas, Don Luis de, 370
 Rough Riders, 11-4, 287-299
 Rowland, Buford, "Report of Commissioners on Road from Missouri, 1827," 213-229
 Rowland, John, 251
- Saens, Luys, 400-401
 St. Louis, consul at, 46
 St. Vrain, Col. Ceran, 52, 65, 277
 Salazar y Larregui, Jose, 268, 272
 Salinas region, 418-421
 Salt River, 317, 362
 Saltillo, consul at, 45
 Sandoval, Don Antonio, 232
 Sandoval (Navaho chief), 84, 87, 90, 94, 109
 San Gabriel, 119
 San Luis Potosí, 198
 San Miguel, Fray Francisco de, 420
 San Miguel county, 233, 241
 San Pedro valley, 336, 349, 350, 351
 San Sabá, 422
 San Simón, 351
 Santa Ana county, 241
 Santa Ana, President, 59, 64, 261, note; 272
 Santa Cruz valley, 336, 350
 Santa Fé, Pike on, 40; county, 45, 241; 83, Agua Fria, 84; 87, 96, 165, 196. Sibley in, 219; 229, capitol, 241; district of Texas, 263; 274-5, *cabildo* of, 385
 "Santa Fé Pioneers," 254-261
 Santa Rita de Cobre, 233, 338, 340, 341, 350
 Santander, Fray Diego de, 419, 421
 Sarracino, Rafael, quot., 54-5
 Sarcillo Largo, 85, 106, 109, 111
 Sarmiento Valladares, Don José, 388-4, 388
 Scott, General Winfield, 159
 Seminoles, 198
 Seven Years' War, effect of, in America, 414
 Sevier, Col. A. H., 215
 Sevilla, 115-120, 200-203
 Sherman, Mr. (clerk of district court), 281
 Shotwell, James T., rev. of book by, 209
 Sibley, General, 215-228
 Sierra Azul, 78, 80
 Sierra Blanca Apache, 315. *See* White Mountain
 Sierra Gorda Indians, 198
 Sierra Madre, 310
 Sinaloa, commerce, 40; bishopric, 369
 slavery, 148, 237-246 *passim*, 266, 285-6
 Slidell, envoy to Mexico, 152-7
 Smith, Guthrie, necrology of W. A. Hawkins, 305-8
 Smith, Hugh N., 90, 238-9
 Snyman, Gen'l G. A. Z., necrology of, 304
 Sobaipuri Pima, 318
 Soldevilla, Don Manuel de, 48, note
So Live the Works of Men (Hewett Anniversary Vol.), rev., 204-6
 Sonora, trade, 40, 324, 338, 341; Indians, 358
 Sotomayor. *See* Villagutierrez
 statehood, fight for, 1-33, 121-142, 238-243
 Steck, Dr. Michael, 345, 347, 349-351, 355
 Steen, Major Enoch, 339
 Storrs, Augustus, 213-4
 Suma Indians, 81
 Sumner, Col. E. V., 95-105, 160, 340, 343
- Tabirá, 418-419
 Tagle, Alférez Francisco Díaz de, 384
 Tagle, Don Pedro Sánchez de, 400-2
 Tamaulipas, 198
 Taos, 48, 66, Americans (1841), 67; 71, 165, 168-172, 184, 222-9, 233, county, 241; 275, 284

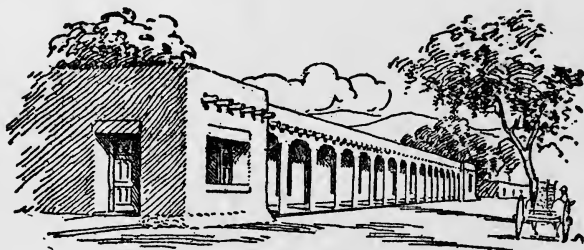
- Taylor, General, 157, 159; President, 240-1
Territorial government. *See* "American
Occupation of N. Mex., 1821-52"
- Teutila, Vargas at, 375
- Texas-Santa Fé Expedition, 251-261
- Texas, 143-158 *passim*, 237, 238, 240-1,
246-273, 285, 421
- Thompson, Albert W., "I Helped Raise
the Rough Riders," 287-299
- Thompson, (Waddy), 150-151
- titles, for governor, 373, note; 377, note;
385, 389, 398-9, 403, note; 408, note. *See*
Brazinas
- Tlalpujahua, Vargas at, 375
- Tonto Apache, 315 *et seq.*, 355-7, 362
- tributes from Pueblo Indians, 368-371, 378,
395, note
- Tubac (Ariz.), 342, 356
- Tucson, 342-355 *passim*
- Twitchell, R. E., 15, 19, 123
- Tyler, President, 150-152
- Ugarte, General, 336
- Utah, "Deseret," 265-267
- Ute Indians, 83, 87, 89, 94, 107, 176, 183,
186-192, 224-5, 345
- Valencia county, 233, 241
- Valero, Marqués de, 407
- Valverde Cosío, Capt. Antonio de, 374,
note; 379, 382, 385, 389, 403, note; 408-411
- Vargas, Antonio María López de Zárate y,
(great-grandson of Don Diego), 415-7
- Vargas, Fray Francisco, 387
- Vargas, María Theresa de, 374, note; 392,
note
- Vargas Luján, Don Pedro Alfonso de,
(bro. of Don Diego), 398-407, death, 406;
409
- Vargas Pimentel, Don Diego Joseph López
de Zárate, (grandson of Don Diego),
411, note; 412-414, 416
- Vargas Pimentel, Doña Isabel María de,
(Don Diego's daughter), 373, 379, 392-
411
- Vargas Pimentel, Don Juan Manuel de,
("oldest son"), 374, 379, note; 382, note;
383-4, 385, 389, 392-3; death, 406
- Vargas Zapata y Luján, Don Alfonso de,
(Don Diego's father), 379, note
- Vargas Zapata y Luján, Ponce de León,
Don Diego de, (the Reconquistador),
76-82, 119, 366-417; date of death, 393,
note; reported, 396
- Vásquez Coronado. *See* Coronado
- Velasco, Don Luís de, 367
- Veles [Cachupín, Don Tomas], (governor
1749-54), 35
- Veragua, Duque de, 375, note
- Verde River, 317, 362
- Vial, Pedro, 35, 119
- viceroyalties of New Spain, 375
- Victorio, Apache chief, 364
- Vigil, Donaciano, (103?), 164, note; 168,
231-2, 234-5
- Vigil y Alarid, Juan Bautista, 164
- Villagutierrez Sotomayor, Lic. Don Juan
de, 381
- Villanueva de la Sagra, Marqués de. *See*
Vargas Pimentel, Diego Joseph
- Waldo, Henry L., 129, 133
- Wallace, Mr. (Butterfield Stage Line), 352
- Walter, Paul A. F., revs. by, 206-10
- Walton, Wm. B., necrology of, 211-2
- Washington, Col. J. M., 88, 238-9
- Watts, Judge John S., 280
- Weightman, Richard H., 242, 278-280
- Weller, John B., 268
- Wharton, Captain, 57, 249
- Whipple, Lieut. A. W., 269, 342
- White, Dr. John B., 317, note; 322
- White Mountain Apache, 316, 349. *See*
Sierra Blanca
- Whitlock, Capt. J. H., 358
- Wilkinson, General, 39
- Willis, Maj. Edward, 355
- Wingfield, Maj. E. H., 96
- Wissler, Clark, cited, 313
- Wood, Col. Leonard, 287-299
- Woolsey, Col. King S., 356, 357, 360
- Workman, William, 251
- Worth county (Texas), 264
- Yavapai, 313, 358-9, 360, 363
- Young, Ewing, 49
- Yuma Indians, 313, 317-8, 359, 360
- Zacatecas, 198
- Zárate. *See* López de Zárate
- Zía, 420
- Zuñi, 83, 90-1, 313, 346, 420

NEW MEXICO HISTORICAL REVIEW

VOL. XIV

JANUARY, 1939

No. 1



PALACE OF THE GOVERNORS

PUBLISHED QUARTERLY BY
THE HISTORICAL SOCIETY OF NEW MEXICO
AND
THE UNIVERSITY OF NEW MEXICO

NEW MEXICO HISTORICAL REVIEW

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VOL. XIV

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CONTENTS

New Mexico's Fight for Statehood, 1895-1912	Marion Dargan	1
The American Occupation of New Mexico, 1821-1852	Sister Mary Loyola, S.H.N., Ph.D.	34
Report Authorizing Governor Vargas to Reconquer New Mexico	J. Manuel Espinosa	76
The Government and the Navaho, 1846-1858	Frank D. Reeve	82
News Notes from Seville . . .	Lansing B. Bloom	115

Subscription to the quarterly is \$3.00 a year in advance; single numbers (except Vol. I, 1, 2, and II, 1) may be had at \$1.00 each.

Volumes III-XII can be supplied at \$4.00 each; Vols. I-II are out of print in part.

Address business communications to Mr. P. A. F. Walter, State Museum, Santa Fe, N. M.; manuscripts and editorial correspondence should be addressed to Mr. Bloom at the University of New Mexico, Albuquerque, New Mexico.

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(INCORPORATED)

Organized December 26, 1859

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CONSTITUTION

OF THE

HISTORICAL SOCIETY OF NEW MEXICO

(As amended Nov. 19, 1929)

Article 1. *Name.* This Society shall be called the Historical Society of New Mexico.

Article 2. *Objects and Operation.* The objects of the Society shall be, in general, the promotion of historical studies; and in particular, the discovery, collection, preservation, and publication of historical material, especially such as relates to New Mexico.

Article 3. *Membership.* The Society shall consist of Members, Fellows, Life Members and Honorary Life Members.

(a) *Members.* Persons recommended by the Executive Council and elected by the Society may become members.

(b) *Fellows.* Members who show, by published work, special aptitude for historical investigation may become Fellows. Immediately following the adoption of this Constitution, the Executive Council shall elect five Fellows, and the body thus created may thereafter elect additional Fellows on the nomination of the Executive Council. The number of Fellows shall never exceed twenty-five.

(c) *Life Members.* In addition to life members of the Historical Society of New Mexico at the date of the adoption hereof, such other benefactors of the Society as shall pay into its treasury at one time the sum of fifty dollars, or shall present to the Society an equivalent in books, manuscripts, portraits, or other acceptable material of an historic nature, may upon recommendation by the Executive Council and election by the Society, be classed as Life Members.

(d) *Honorary Life Members.* Persons who have rendered eminent service to New Mexico and others who have, by published work, contributed to the historical literature of New Mexico or the Southwest, may become Honorary Life Members upon being recommended by the Executive Council and elected by the Society.

Article 4. *Officers.* The elective officers of the Society shall be a president, two vice-presidents, a corresponding secretary and treasurer, and a recording secretary; and these five officers shall constitute the *Executive Council* with full administrative powers.

Officers shall qualify on January 1st following their election, and shall hold office for the term of two years and until their successors

Article 5. *Elections.* At the October meeting of each odd-numbered year, a nominating committee shall be named by the president of the Society and such committee shall make its report to the Society at the November meeting. Nominations may be made from the floor and the Society shall, in open meeting, proceed to elect its officers by ballot, those nominees receiving a majority of the votes cast for the respective offices to be declared elected.

Article 6. *Dues.* Dues shall be \$3.00 for each calendar year, and shall entitle members to receive bulletins as published and also the *Historical Review*.

Article 7. *Publications.* All publications of the Society and the selection and editing of matter for publication shall be under the direction and control of the Executive Council.

Article 8. *Meetings.* Monthly meetings of the Society shall be held at the rooms of the Society on the third Tuesday of each month at eight P. M. The Executive Council shall meet at any time upon call of the President or of three of its members.

Article 9. *Quorums.* Seven members of the Society and three members of the Executive Council, shall constitute quorums.

Article 10. *Amendments.* Amendments to this constitution shall become operative after being recommended by the Executive Council and approved by two-thirds of the members present and voting at any regular monthly meeting; provided, that notice of the proposed amendment shall have been given at a regular meeting of the Society, at least four weeks prior to the meeting when such proposed amendment is passed upon by the Society.

Students and friends of Southwestern History are cordially invited to become members. Applications should be addressed to the corresponding secretary, Lansing B. Bloom, University of New Mexico, Albuquerque, New Mexico.

NEW MEXICO HISTORICAL REVIEW

VOL. XIV

JANUARY, 1939

No. 1

NEW MEXICO'S FIGHT FOR STATEHOOD 1895-1912

By MARION DARGAN

1. THE POLITICAL LEADERS OF THE LATTER HALF OF THE 1890'S AND STATEHOOD

DURING THE first decade of the twentieth century, the attention of both Congress and the nation was much occupied by the struggle of three territories, New Mexico, Arizona, and Oklahoma, for admission to the union. Conceptions which run through the whole course of American history fought for supremacy: the natural desire for self-government, jealousy of the development of the west on the part of older sections of the country, fear of democracy and of increased taxation on the part of taxpayers and corporations in the territories, the lust of politicians for office, and the tendency of the majority to silence the minority. The statehood fight involved such national figures as Theodore Roosevelt, Albert J. Beveridge, Matthew S. Quay, and Joseph B. Foraker, as well as many local leaders. It had its dramatic moments: the silencing of the opposition within the territories, the visit of the senate committee to the southwest, the long-fought duel between Beveridge and Quay in the senate, and the desperate effort for joint statehood in 1906.

It is proposed in a series of articles to follow the statehood fight from 1895 to 1912. The subject will be dealt with largely from the standpoint of New Mexico, but her sister

territories cannot be left out of the story altogether. The sources used include government records, newspaper files in New Mexico, Arizona, and the Library of Congress, the McKinley and the Roosevelt papers in the Library of Congress, letters and papers of Albert J. Beveridge at Beverly Farms, Massachusetts, letters and scrapbooks of Miguel A. Otero, Thomas B. Catron, Bernard S. Rodey and William H. Andrews, as well as interviews with leaders and other survivors of the period.¹

Beginning with a resume of the attitude of the East toward the development of the West and a brief glance at New Mexico's fight for statehood prior to 1895, the present article will deal *chiefly* with the first term of Miguel A. Otero as governor. After discussing those factors—personal and otherwise—which seemed to point to the admission of the territory early in the twentieth century, the paper will introduce the outstanding political leaders of the period, and describe the part they took in the movement for statehood. The conclusions arrived at will necessarily be only tentative, since one can never be sure that he has fathomed the purposes of individuals.

The vast region between the Appalachian Mountains and the Pacific Ocean has developed into self-governing commonwealths with the same rights and privileges as the original thirteen states on the Atlantic seaboard. The United States has probably followed the most liberal colonial policy the world has ever seen, yet throughout our history there have been Eastern leaders who opposed the growing in-

1. I am greatly indebted to Mrs. Catherine S. Beveridge of Indianapolis, Indiana, and Beverly Farms, Mass., for permission to use her husband's correspondence; to Mr. Charles C. Catron of Santa Fé for permission to use his father's papers; to Ex-governor Miguel A. Otero of Santa Fe for the loan of scrap-books, letters and manuscripts; to Mr. Pearce C. Rodey of Albuquerque for the loan of his father's scrap-book and several letters; to my wife and the following graduate students who assisted me in research in Washington: Charles Edgar Maddox, Mary Jane Masters and Dorothy Thomas; to Alice Olson Greiner, Vioalle Clark Hefferan, and Le Moine Langston, who collected newspaper material in Santa Fé, Deming, and Silver City, and Roswell and Phoenix, Arizona, respectively; and to more than a score of "old timers" who have helped me in my efforts to estimate the men and events of thirty or forty years ago.

fluence of the West. In the seventeenth century the Massachusetts Puritans put forth lying propaganda in the hope of discouraging emigration to the fertile Connecticut valley.² Two centuries later their descendants declared that the children of pioneers who moved to the west would grow up "in such rudeness and barbarity that it will require one or two generations to civilize their habits."³ Certain Eastern leaders at the Constitutional Convention opposed proportional representation because they dreaded the growing influence of the western states that might be formed beyond the mountains. Pennsylvania had been a wilderness only a century before, but one of her representatives in the convention disparaged the frontiersmen by declaring that "the Busy haunts of men, not the remote wilderness, was the proper school of political talents. If the Western people get the power into their hands, they will ruin the Atlantic interests. The Back members are always most averse to the best measures."⁴ Sixteen years later a congressman from Massachusetts made an impassioned protest on the floor of the House against the admission of Louisiana. The mere thought of "Representatives and Senators from the Red River and Missouri, pouring themselves" upon the floors of Congress, "managing the concerns of a seaboard fifteen hundred miles away" and "having a prepondency" in the councils of the nation brought New England to threats of secession.⁵

Eastern leaders have done much to promote the development of the West; others from the same section have fought every stage of that development. America's colonial policy has been that the western settlements were not to be kept in permanent subordination, but were to be admitted to the union as states with full privileges. However, fears

2. Hulbert, Archer B., *Soil: Its Influence on the History of the United States* (New Haven, 1930), pp. 98-99.

3. Turner, Frederick Jackson, *The Significance of Sections in American History* (New York, 1932), p. 256.

4. Farrand, Max (editor), *The Records of the Federal Convention of 1787* (New Haven, 1911), Vol. I, p. 583.

5. Turner, Frederick Jackson, *The frontier in American history*, (New York, 1921), p. 208.

that new states would add to the power of section or party have lead forces in control of Congress to postpone the admission of many a territory. There is nothing exceptionable about New Mexico having to struggle for statehood, except that her fight was the longest of any and probably the most dramatic.

The treaty of Guadalupe-Hidalgo (1848), by which New Mexico was acquired by the United States provided that the people of the annexed territory "shall be incorporated into the Union of the United States and be admitted at the proper time (to be judged of by the Congress of the United States) to the enjoyment of all the rights of citizens of the United States to the principles of the Constitution."⁶ During the famous debates of 1850 Congress considered carrying out this provision of the treaty by the immediate admission of New Mexico to statehood. Senator William H. Seward of New York, while supporting such action, at the same time touched upon one of the arguments which helped to keep New Mexico out of the union for seventy-two years. He declared that the majority of its inhabitants were Indians, "more or less mixed in blood," and that we were following an extraordinary policy: "That while we exclude Indians from the rights of citizenship at home, we have conquered the aborigines of Spanish portions of the continent for the purpose of making them citizens, and have extended to them the rights and franchises of citizens."⁷ Seward's amendment failed to pass, and Congress organized New Mexico as a territory whose officials were appointed from Washington. In the critical days of the slavery controversy, the Civil War and Reconstruction, New Mexico basked in territorial obscurity, although in 1863 congress remembered it long enough to set Arizona apart as a separate territory. Some years after the Civil War, General Sherman, who disliked

6. Malloy, William M. *Treaties, conventions, international acts, protocols and agreements between the United States of America and other powers, 1776-1909*, (Washington, 1910) Vol. I, page 1112.

7. Baker, George E., (editor), *The Works of William H. Seward* (Boston, 1887), Vol. I, p. 124.

both the arid country of the southwest and its inhabitants, wrote a friend: "I take it no sensible man, except an army officer who could not help himself, ever went to Utah, New Mexico, or Arizona, or even proposes to do so . . ." ⁸ He also jokingly suggested to General Lew Wallace that the United States ought to declare war on Mexico and make it take back New Mexico. ⁹

The census of 1850 showed that the territory (including Arizona) had 61,547 inhabitants. ¹⁰ Due to greater attractions found elsewhere, the fact that the best land had been issued in large grants by the Spanish and Mexican governments, and to the presence of large numbers of Indians, there was no rush of settlers to this part of the frontier. The census of 1890 showed a population of only 153,593, located largely in the valleys of the Rio Grande and the Pecos, with an average density for the whole territory of 1.25 persons per square mile. ¹¹ Only one of the older states, Nevada, was less populous, as well as three which were submitted in 1889 and 1890: Montana, Idaho and Wyoming. Railroads were building into the territory and thus reducing the isolation from the outside world, but ignorance and lawlessness prevailed; mining, a leading industry, was highly speculative, and there was no great interest in statehood.

By 1890 New Mexico had twice come near to being admitted to the union, and three different constitutions had been drawn up for the new state. ¹² Yet it is doubtful if many of the leaders of the territory—not to speak of the majority of the citizens—had any great interest in statehood. Of the thirteen governors who served between 1851 and 1893, L. Bradford Prince was the only one who persistently advocated the admission of New Mexico to the union. Three out of twelve delegates who represented the territory in Con-

8. Lewis, Lloyd, Sherman, *The Fighting Prophet* (New York, 1932), p. 130.

9. *Ibid.*, p. 596.

10. *Seventh Census of the United States*, p. 993.

11. *Eleventh Census of the United States*, vol. I, part I, pp. 2, 6.

12. This paragraph is based on Prince, L. Bradford, *New Mexico's Struggle for Statehood: Sixty Years of Effort to Obtain Self Government* (Santa Fe, 1910). This little book of 128 pages is very sketchy, especially for the period from 1895 to 1912.

gress gave effective support. Jose Francisco Chaves, who was honored in 1901 as the father of the statehood movement, made a vigorous speech in the Fortieth Congress in favor of the admission of New Mexico to the union. Stephen B. Elkins secured nearly a three-fourths vote of both houses of the Forty-third Congress for statehood, but the session came to a close without the House having voted to accept certain minor changes made in the bill by the senate. During his first four years in Congress, Antonio Joseph, who represented the territory for ten years, took the position that the people of New Mexico cared nothing for the honor of statehood and were opposed to assuming the expenses of the state machinery. Furthermore, he opposed the admission of New Mexico under the constitution framed by the constitutional convention of 1890, on account of the partisan character of that body. However, during his last six years in Congress he introduced four different statehood bills, and gave much of his time to statehood.

What little chance New Mexico had of being admitted to the union in 1889 and 1890 with the northern territories was weakened by opposition at home. The Fiftieth Congress received several petitions for admission, but the only non-official one ordered printed was a "Protest of the Citizens of New Mexico Against the Admission of that Territory into the Union of States." This document declared that the business interests of the territory were opposed to statehood, that New Mexico was "at present totally unfitted for such responsibilities, and that federal control from Washington was preferable to 'home rule' by unscrupulous politicians." Accordingly, the petitioners recommended that statehood be withheld until land titles in the territory—jeopardized by claims under Mexican and Spanish grants—should be settled, and English had been made the language of the courts and public schools.¹³ Fear of democracy was no new thing in America, and there is no doubt that this protest made a

13. *Senate Documents*, No. 52, 50th Congress, 2nd Session.

strong appeal to the conservative East—signed as it was by prominent bankers and merchants “and thousands of others, if necessary.” Yet statehood bills continued to be introduced, and were sometimes reported favorably by committees. Populism and free silver raged in the West during the hard times of the early nineties, and threw the East almost into a panic. The New York *Evening Post* declared, “We don’t want any more states until we can civilize Kansas,”¹⁴ while the New York *Tribune* gave as one of the reasons for the opposition to statehood for New Mexico that “by the admission of this Territory the strength of the free-silver men in the Senate will be increased by two votes.”¹⁵

In congress and in the nation at large, as well as in the territories concerned, the creation of new states has usually been considered from the standpoint, not of national welfare, but of advantage to party, section or locality. Thus during the 1880’s the Republican senate voted three times to admit the southern half of Dakota as a state. Each bill, however, was defeated by the Democratic House, which feared that the division of this populous territory would add to Republican strength in Congress and in the electoral college. When the Republican victory in the campaign of 1888 had made the admission of the northern territories inevitable, the Democratic house adopted the strategy of passing a

14. Quoted by Hacker and Kendrick, *The United States Since 1865*, Revised Edition (New York, 1934), p. 308.

15. New York *Tribune*, March 11, 1896. This idea was frequently expressed by Eastern papers, and there can be little doubt that the fear of “the free silver menace” did much to keep New Mexico out of the union. The Albuquerque *Morning Democrat* (April 3, 1896) came to the conclusion that “the two territories of the southwest are further from statehood than at any time in the past ten years and they will not in all probability draw nearer to that goal until the question of the free coinage of silver is effectually disposed of one way or the other.” Republican papers in the territory, however, claimed that New Mexico favored the gold standard. Thus the Albuquerque *Citizen* for June 30, 1899, said: “This territory has never favored free silver. The present delegate to congress, Hon. Pedro Perea, was elected on a platform squarely in opposition to cheap money. The native people of New Mexico, familiar with the poverty caused by the cheap silver money of Mexico, and on every occasion have opposed its adoption in this country. New Mexico is in favor of the gold standard, and if admitted to statehood would choose United States senators pledged to that financial policy.”

bill which would make one state of Dakota, and admit Democratic New Mexico together with Washington and Montana. But it was too late. "Political manoeuvring defeated its own end," says Frederick L. Paxson. "At any time between 1883 and 1888 the Democrats might have bargained New Mexico and Arizona against the inevitable Dakotas; now they had held out so long that they had nothing to offer and no strength with which to withstand the bludgeon of Republican success at the polls in 1888."¹⁶ Wyoming and Idaho had scarcely the population or developed resources to warrant the admission to the union, and the delegate of the latter stated in the House in January, 1889, that his territory was not asking for immediate statehood,¹⁷ yet both were admitted the next year since they were bound to add to the strength of the party in power.

In New Mexico statehood was considered desirable if it came when the right party was in control; otherwise, it should be opposed. Thus the Albuquerque *Citizen* in January, 1895, charged that the Democrats had stolen the legislature¹⁸ and were scheming "to steal the proposed state of New Mexico and give the senatorships to Fall¹⁹ and Ferguson, . . ."²⁰ On January 5, the *Citizen* remarked editorially: "The native people of this territory are in no humor to

16. Paxson, Frederick L., "The Admission of the Omnibus States" in *Proceedings of the State Historical Society of Wisconsin* (1911), (Madison, 1912), pp. 77-96.

17. *Congressional Record*, vol. 20, part 1, page 878.

18. T. B. Catron wrote his wife on Jan. 9, 1895: "I suppose you have seen from the papers what our democratic friends did in organizing the legislature. I am afraid this will ruin our prospects for statehood, yet I am doing all I can to prevent it from injuring it." To a friend in St. Louis, he wrote: "It seems now that the democrats have buried our statehood bill in Washington. Our New Mexico legislature, as you are aware, was stolen bodily by the democrats from the republicans, that being accomplished by means of the Secretary of the territory, who alone is authorized to swear in the members. He refused to swear in some republicans and swore in defeated democrats in their stead. This legislature has been the worst we ever had and I am confident this contributed materially to weaken our prospects for statehood. Their own party has no confidence in them, and the republicans of course can have none." Catron to R. C. Kerens, Feb. 14, 1895.

19. Albert B. Fall was a Democrat at this time but later became a Republican. He was United States senator from New Mexico from 1912 to 1921. As Secretary of the Interior under Harding he was connected with the Tea Pot Dome scandal.

20. For Harvey B. Ferguson, see p. 30.

create a state for the benefit of the Texas gang of politicians now in charge of the territory."²¹ Having concluded that the "disgraceful row" in organizing the legislature had "killed statehood," the *Citizen* hardly mentioned the subject during the next three months.²²

By the beginning of the twentieth century, free silver had become a dead issue, and the press was pointing out that the East no longer feared the opinions of New Mexico and Arizona on important national issues.²³ The territories shared in the prosperity of the nation. "The farms, the ranges, the mines," declared the *Albuquerque Journal Democrat* of October 8, 1901,— "all the resources of the territory—promise the most prosperous year in the history of New Mexico. Now is the accepted time to make a long, strong united effort to secure statehood." Indeed, prospects for statehood seemed never brighter. Both of the great political parties appeared favorable. Even in 1896 the politicians had been desperate, and had been willing to barter statehood for half a dozen delegates at the national convention. As a result, the Republican platform of that year had declared: "We favor the admission of the remaining Territories at the earliest practical date, having due regard to the interests of the people of the Territory and of the United States."²⁴ Four years later, the Republicans declared: "We favor home rule for, and the early admission to statehood of the Territories of New Mexico, Arizona, and Oklahoma,"²⁵ while the Democrats denounced the failure of the Republicans to carry out their earlier pledge and promised 'immediate statehood' for the three territories.²⁶

Moreover, high officials in Washington were believed to be friendly to the territories. In March, 1901, Bernard S.

21. The *Rincon Shaft* expressed its sentiments tersely as follows: "To hell with statehood." Quoted by *Citizen*, Jan. 11, 1895.

22. Only two brief allusions to statehood were found in the *Citizen* between April 1 and June 29, 1895.

23. *Denver Republican*, quoted by *Albuquerque Citizen*, Oct. 1, 1901.

24. Porter, Kirk H., *National Party Platforms* (New York, 1924), pp. 205-206.

25. *Ibid.*, p. 232.

26. *Ibid.*, p. 216.

Rodey, Delegate to Congress from New Mexico, was reported to have "had a long conversation with President McKinley, the subject being New Mexico, her wishes and needs." Rodey told a reporter of the *Albuquerque Journal-Democrat*: "You make a great mistake if you imagine the president doesn't keep posted on what's going on down here. And he's mighty well disposed towards the territory, too. When the statehood bill comes up, it is sure to be befriended by him."²⁷ Two months later, while on his way to San Francisco to attend the launching of the battleship Ohio, the president stopped at Deming, and thus gave New Mexico an opportunity to present its case directly to him. While unable to persuade the chief executive to change his route so that he would see less of the desert and more of the valley of the Rio Grande,²⁸ officials and citizens gave him a hearty welcome somewhat "in the nature of a statehood demonstration." Statehood banners were seen everywhere, and the desire for statehood was put in the limelight. In a brief address, the president expressed the hope that at some future time congress would see fit to make New Mexico a state.²⁹ Commenting on this indefinite statement, the *Denver Republican* declared that McKinley did not wish to appear to be trying to influence the legislative branch of the government, that New Mexico must make her fight before congress, and there seemed "no doubt that he would cheerfully sign an enabling act" if passed.³⁰ This comment was in accord with McKinley's conception of the presidential office, and the press generally spoke of him as "friendly to the territories."

27. *Albuquerque Journal-Democrat*, March 17, 1901.

28. Otero to McKinley, March 16, 1901; Otero to George B. Cortelyou, March 16, 1901.

29. Governor O. N. Murphy succeeded in getting the president's party to make a change in the proposed route and visit Phoenix. In his speech in that city McKinley expressed the hope that the people of Arizona "soon may be able to show the Congress of the United States that they have builded well and strongly and wisely the great territory and are prepared to be admitted into the union of states." O. N. Murphy to McKinley, January 24, 1901. *Arizona Republican*, May 8, 1901.

30. *Denver Republican*, quoted in *Albuquerque Citizen*, May 9, 1901.

If the president was somewhat non-committal, the vice-president expressed his sentiments freely. In order to understand why a rising political leader from New York should concern himself with the prospects of a territory he had never seen, it is necessary to go back to the war with Spain and some of the personal associations it had created. Soon after the declaration of war, Congress had authorized the raising of three volunteer cavalry regiments, wholly apart from state contingents.³¹ Telegrams were sent to the governors of the four southwestern territories to request their assistance in recruiting men who were "young, good shots and good riders."³² Twenty-three years later the governor of New Mexico said that having received this call: he "communicated with every ranch in the territory. I was particularly anxious to have New Mexico well represented, because many newspapers of the East were dubious about our loyalty we having such a large Mexican population."³³ The result was such a generous response that Theodore Roosevelt wrote in 1911: "Half the officers and men of my regiment came from New Mexico . . ."³⁴ Nor were these men ordinary soldiers—witness "Dead Shot" Joe Simpson, who, according to reports from camp at San Antonio, could "put a rifle bullet through a jack rabbit's eye at one thousand yards while riding a wild horse."³⁵ No wonder such men won the admiration and affection of their colonel. Roosevelt never forgot his heroes, who were constantly writing him, fre-

31. *Congressional Record*, vol. 31, part 5, p. 4180.

32. Pringle, Henry F., Theodore Roosevelt (New York, 1931), p. 184.

33. Interview in the *Baltimore Sun*, Dec. 5, 1921. The *New York Herald* and the *New York World* telegraphed Governor Otero enquiring as to the probable attitude of the militia of New Mexico in case they should be called upon for duty in Cuba. *Denver Republican*, March 25, 1898. It was even reported that the Spanish flag had been raised over the Catholic church in Santa Cruz. *Ibid.*, July 13, 1899. The *Denver papers* contained several references to rumors of "Spanish sympathizers" in New Mexico, but invariably defended the loyalty of the inhabitants of the territory. See *Denver News*, April 27, 1898.

34. Roosevelt to R. E. Twitchell, Nov. 12, 1911. The fac-simile of this letter is given in Twitchell, *op. cit.*, opposite p. 528.

35. Pringle, *op. cit.*, p. 185.

quently because they were either in trouble,³⁶ or needed his influence to get a government job.

He was especially indebted for "news of the boys in your neck of the woods" to Major W. H. H. Llewellyn,³⁷ one of his staff officers and a man to whom he was strongly attached.³⁸ The major, who had had considerable experience in rounding up bandits and bad Indians on the Nebraska frontier,³⁹ served as Indian agent to the Mescalero Apaches in Lincoln County, New Mexico, in the early 1880's, and gave the territory immunity from severe trouble with his charges.⁴⁰ When his term expired, he moved to Las Cruces. As a captain in the "Rough Rider" regiment, Llewellyn showed himself a gallant soldier at San Juan Hill⁴¹ and won the personal friendship of his colonel. A keen politician, he served at one time as Speaker of the House of Representatives of New Mexico, and later as United States attorney for the territory. Llewellyn was over six feet tall, and weighed considerably over 200 pounds. Besides, he was a very likeable fellow, and Roosevelt could not resist him. He wrote

36. Thus Comrade Brite of Grant County, New Mexico, wrote: "Dear Colonel: I write you because I am in trouble. I have shot a lady in the eye. But, Colonel, I was not shooting at the lady. I was shooting at my wife." Roosevelt gives this letter in his Autobiography, p. 123, but does not reveal the name or the fact that its author was from New Mexico. After Brite had served his term in the penitentiary, Roosevelt wrote Llewellyn: "I only hope that Comrade Brite will devote his attention purely to electricity and quit shooting at ladies." Roosevelt to W. H. H. Llewellyn, July 4, 1905.

37. Roosevelt to W. H. H. Llewellyn, March 4, 1903.

38. When Llewellyn was ill in March, 1899, Roosevelt wrote his wife: "Give my warm regards to your husband. You know how I valued him as a soldier and how I prize his friendship." Roosevelt to Mrs. W. H. H. Llewellyn, March 23, 1899. There can be no doubt that Major Llewellyn gained added prestige from press notices of his relations with Roosevelt. Thus the Albuquerque *Citizen* (August 17, 1900) announced that Governor Roosevelt had invited Llewellyn "to accompany him on his western campaign trip to the Pacific coast," while the Silver City *Independent* (Dec. 3, 1901), remarked: "Our own Major Llewellyn is undoubtedly 'some pumpkins' back in Washington just now." The editor then quoted a Washington despatch which said that the major "was also a caller on the president and urged the claims of the territory for statehood. He was a guest of the president at dinner and tonight escorted Mrs. Roosevelt to the theatre."

39. Omaha *Herald*, quoted by Albuquerque *Citizen*, May 29, 1900.

40. *New Mexican*, July 30, 1882.

41. Twitchell, *op. cit.*, p. 541, note 452.

John Hay that "the major" was "a large, jovial, frontier Micawber type of person, with a varied past which includes considerable man-killing."⁴² He read his old comrade's letters with great interest, and after he became president wrote him: "I keep the Cabinet and Justice Holmes, together with two or three choice spirits among the Senators, informed as to all the news you give me concerning the members of the regiment."⁴³

Roosevelt—who once persuaded the Governor of Arizona to make a Rough Rider warden of the penitentiary in which he had recently served a sentence for homicide⁴⁴—was inclined to feel that the men he had led up San Juan Hill were better qualified for political appointments than their rivals.⁴⁵ He gave of his support so generously, that he was finally forced to admit that "the administration looks with what I might call good natured impatience upon any request of mine for any man connected with my regiment. They think that the regiment has already received a very disproportionate amount of attention and they simply will not pay heed to a suggestion of mine unless there is additional local backing."⁴⁶

With such feelings of partiality toward his old comrades, he must have found it equally difficult to acquiesce in the denial of the fullest rights of American citizenship to men who had shown themselves so brave and so loyal. The first occasion apparently on which he was forced to express himself on the subject of statehood for New Mexico was in June, 1899, while he was Governor of New York. It was the year after the war, and the Rough Riders were holding their first reunion at Las Vegas, New Mexico. Roosevelt had written Major Llewellyn: "As you know, I particularly want to visit New Mexico."⁴⁷ Later he wrote that he was "pretty

42. Roosevelt to John Hay, August 9, 1903.

43. Roosevelt to W. H. H. Lewellyn, March 13, 1903.

44. Pringle, *op. cit.*, pp. 198-199.

45. *Ibid.*, p. 198.

46. Roosevelt to Frederick Muller, April 3, 1901.

47. Roosevelt to Llewellyn, April 17, 1899.

well tired out," but that with great difficulty he arranged matters so that he could come.⁴⁸ When he arrived, clothed in a Rough Rider uniform, the Governor was much in the limelight. His speech was brief but significant and was to be long remembered in the territory. He said:

I cannot say how glad I have been to come here. I never was in New Mexico before, but I never felt like a stranger for one moment among you. I claim the same right that each of your sons claims of glory, and take pride in the name and fame of New Mexico. I am an American as you are Americans, and you and I alike have the right to claim as our own every acre and rod of country from Maine to Oregon: from Florida to California.

The heavens have been more than propitious so far and we must not complain of this shower. All I shall say is if New Mexico wants to be a state, you can count on me in, and I will go to Washington to speak for you or do anything you wish.⁴⁹

This enthusiastic pledge from such a distinguished Republican leader doubtless made many who heard it feel that with such hearty support New Mexico's long fight for statehood would soon be over.⁵⁰ During the next two years, Roosevelt's promise was often quoted and often renewed. After his nomination for the vice-presidency by the Republican convention in June, 1900, he is reported to have called upon the New Mexico delegation at their hotel, where he expressed himself in no uncertain language in regard to supporting New Mexico's claim for statehood.⁵¹ A month later, at the second reunion of the Rough Riders, held in

48. Roosevelt to Llewellyn, June 1, 1899.

49. *Las Vegas Optic*, June 24, 1899.

50. Under the caption, "Statehood Near," the *Albuquerque Citizen* (June 28, 1899) published an editorial in which it said: "The celebration at Las Vegas has greatly helped the territory in its struggle to secure statehood. The eastern visitors were surprised to see at Las Vegas a modern city with every convenience and comfort, and a crowd of 10,000 people celebrating the victory of a New Mexico regiment in Cuba. They had expected to find Indians, cowboys, and desperadoes."

51. This statement was made by Frank A. Hubbell, who had just returned from the convention, where he served as a delegate. *Santa Fe New Mexican*, June 28, 1900.

Oklahoma City, Ralph E. Twitchell, a former officer in his regiment who was to become a leading historian of New Mexico, and who was then serving as a correspondent of the *Albuquerque Citizen*, spoke to Roosevelt regarding his promise to help New Mexico be admitted to the union. The governor said: "Say to the people of New Mexico that I stand ready now and always to help them with Statehood or anything else they want."⁵² He added, however, that he did not feel that the old comrades and friends whom he had met at Las Vegas would need his assistance since the plank in the Republican platform "is a guarantee that the Republican party will admit them to statehood." He declared that he believed in carrying out every pledge in the platform, and that as a delegate to the Philadelphia convention he would not have voted for the platform, if he had not believed in it.

Roosevelt, who thought very highly of Twitchell,⁵³ renewed his pledge to help secure statehood for New Mexico in a letter to the latter.⁵⁴ He also expressed his sentiments regarding New Mexico in a public speech during the campaign of 1900. The issue was imperialism, and William Jennings Bryan, Democratic candidate for the presidency, speaking at Yonkers a few days before, opposed the American occupation of Porto Rico and declared that it was better for Mexico that the United States had not kept possession of that country.⁵⁵ Referring to this argument a few days later at Binghamton, New York, Roosevelt declared that if his opponent would compare the progress made by New Mexico since the treaty of Guadalupe-Hidalgo with its condition before, he would "speedily make up his mind that it has greatly profited by being put under our flag." Having asserted that we had governed New Mexico at first just as

52. *Albuquerque Citizen*, July 6, 1900.

53. In support of Twitchell's candidacy for the position of United States District Attorney for New Mexico, Roosevelt wrote Attorney General Griggs: "He is a good lawyer, a good soldier and a first class citizen in every way." Roosevelt to John W. Griggs, Dec. 15, 1900.

54. *Albuquerque Citizen*, August 27, 1900.

55. *Albuquerque Journal-Democrat*, Oct. 28, 1900.

we were then governing Porto Rico, Roosevelt declared: "I believe New Mexico should now be a state, but it would have been folly to have admitted it to statehood for forty odd years after we took possession."

Roosevelt also pledged his assistance in letters to territorial leaders. On March 21, 1901, he wrote Delegate Rodey: "As for New Mexico, of course, I shall help it to the best of my capacity, I want to see it a state."⁵⁶ Again to the same correspondent, he said: "I shall be only too glad to aid you in every way in trying to get statehood for New Mexico."⁵⁷ On September 7, 1901, the day after President McKinley had been shot, Roosevelt wrote from Buffalo, New York, to O. N. Marron, stating that while New Mexico had "a very great claim" upon him, it would be "absolutely out of the question" for him to attend the statehood convention to be held in Albuquerque the following month, "even when I sympathize as strongly as I do with the purpose of your convention."⁵⁸

Naturally when President McKinley was succeeded—one week later—by such "a warm and energetic friend" of the territories,⁵⁹ the chances for statehood were regarded as improved.⁶⁰ Eight days after Roosevelt's inauguration, the Albuquerque *Journal-Democrat* under the caption "Roosevelt for Statehood" published Roosevelt's letter to Marron in full, together with the significant parts of the two letters to Rodey. The editor added:

There is no dodging the question in these letters. Roosevelt as president will have the same sentiments as Roosevelt as vice-president, but from his position as chief executive it will not be becoming or right for him to express these senti-

56. Roosevelt to B. S. Rodey, March 21, 1901.

57. Albuquerque *Journal-Democrat*, Sept. 22, 1901.

58. Roosevelt to O. N. Marron, Sept. 7, 1901. Mr. Marron was mayor of Albuquerque at the time, as well as chairman of the executive committee of the fair association.

59. Las Vegas *Record*, Sept. 18, 1901.

60. See editorial entitled "Friend of the West" in the Albuquerque *Citizen*, Sept. 18, 1901.

ments with the same freedom. That he will display his friendship when opportunity offers, we may all be certain, and it may be confidently anticipated that in his first mesage to congress he will recommend the admission of New Mexico.⁶¹

Newspapers outside of the territories also noted that prospects for statehood had brightened. The Denver *Republican* anticipated a friendly policy toward the territories from the new president, while the Chicago *News* asked: "How are you going to keep Oklahoma and New Mexico out of the union any longer, with all those husky Rough Riders down there eager to help their old colonel run the government?"⁶²

For assistance in organizing the New Mexico troops which became a part of the Rough Riders, Roosevelt was indebted to the governor of the territory, Miguel Antonio Otero.⁶³ Appointed by President McKinley in June, 1897, to a position for which he had not applied—when about twenty candidates had been fighting for months over the prize⁶⁴—Otero had the double distinction of being the

61. Albuquerque *Journal-Democrat*, Sept. 22, 1901.

62. Chicago *News*, Sept. 16, 1901.

63. Otero's early life is well portrayed in his *My Life on the Frontier* (1864-1882) (New York, 1935), which was published when the author was seventy-five. Vol. II of this work and a third volume entitled "My Nine Years as Governor," were also consulted in manuscript form.

64. Among the leading candidates were George H. Wallace, Pedro Perea, T. W. Collier, and Hugh Price. T. B. Catron, Republican boss in New Mexico and the *Citizen* and *El Mundo*, both published in Albuquerque, supported Pedro Perea of Bernalillo. According to the translation which appeared in the Albuquerque *Morning Democrat*, *El Mundo* made a rather striking "Plea for Pedro." The translation is as follows:

"Never, never has it been thought in Washington to fulfill the terms made in the treaty of Guadalupe-Hidalgo, and hitherto vain have been all the efforts which the Spanish-American press has made for this purpose. Its eloquence, its justice has always been dashed to pieces before the indifference of congress and the executive of the nation which, preoccupied with subjects of tariffs, problems of unimetalism or bimetalism, or much absorbed in the subjects of Hawaii, Venezuela, Cuba and their exaggerated Monroe doctrine, do not trouble themselves with our poor territory. It is enough that the federal government sends to us every four years a "Yankee" governor and some agents for the Indian reservations and perhaps with this it feels well pleased and fully satisfied. * * * The majority of the New Mexicans, and even the good American element, beg with justice that Hon. Pedro Perea be appointed; but the intrigues in the capital city of Washington are working their influence in order that President McKinley may name Prince, Wallace or Collier. What benefit does the population of New Mexico owe these gentlemen?"

youngest governor New Mexico had had since the American occupation and the only Spanish-American ever appointed to that office by an American president. While a native of St. Louis, Otero was reputed to be "of pure Castilian blood," and belonged to a family long prominent in New Mexico, both his father and an uncle having served the territory as Delegate to Congress.⁶⁵ His education had been obtained in part at St. Louis University and at Notre Dame, but mostly on the ever receding frontier between Westport Landing and New Mexico. His father was a member of a firm of commission merchants, who had followed several railroads as they were being built west. As he grew older, young Otero clerked for the firm, hunted buffalo and antelope, and scraped acquaintance with Wild Bill Hickok, Calamity Jane, Billy the Kid, and other picturesque characters of the frontier. Finally settling down in Las Vegas at the age of twenty, he became a bank cashier, but yet found time to do some prospecting, but without any great success. Strongly inclined to stand up for his rights, he incurred a jail sentence for contempt of court in a dispute over mining property.⁶⁶

At the age of thirty-eight, when he became governor of New Mexico, he was an energetic, businesslike man who was well known and well liked in many parts of the territory. He was especially "available" for the appointment because he and his Las Vegas friends were chiefly responsible for getting the territorial Republican convention of 1896 to endorse the party's gold platform, in spite of the silver sentiment

65. Otero's father, Don Miguel Antonio Otero I represented New Mexico in the Thirty-fourth, Thirty-fifth, and Thirty-sixth Congresses. He was appointed Secretary of the Territory of New Mexico in 1861, but on account of his southern sympathies, was not confirmed by the senate and accordingly only served from April until September, 1861. *Biographical Dictionary of the American Congress, 1774-1927*, (Washington, 1927), p. 1375: See also Otero, *op. cit.*, pp. 1-5, 280-283. Otero's uncle, Mariano Sabino Otero, represented New Mexico in the Forty-sixth Congress. *Biographical Dictionary of the American Congress*, p. 1375. The Governor's mother was Mary Josephine Blackwood before her marriage. She was born in New Orleans and educated in Charleston, South Carolina. Otero, *op. cit.*, pp. 283-285.

66. Chicago *Times-Herald*, June 11, 1897. The story appeared under the title "From Jail to Honors."

natural in a mining country.⁶⁷ Furthermore, he had the advantage of being personally known to McKinley, who finally decided upon his appointment as a happy solution of the knotty problem.⁶⁸ While the appointment was a surprise, the press spoke of the new governor's personal popularity, his loyalty to friends, his high principles, and the fact that he was "a live wire."⁶⁹ After the governor had served four years, Twitchell wrote President Roosevelt: "Governor Otero has proven the most capable, painstaking, worthy and dignified executive we have ever had. * * * Politically, Governor Otero is about the only leader we have had since the time when Senator Elkins was a power in New Mexico."⁷⁰

Evidently Twitchell meant to ignore a man who had been a college class-mate of the former Delegate from New Mexico, his law partner in the territory, and a most influential leader in the Republican party there for years. A native of Missouri, Thomas Benton Catron had graduated from his state university in 1860, and served for four years in the Confederate army.⁷¹ Debarred from practicing law in his native state on account of his military record, the young Missourian had in 1866 followed his friend, Elkins, to New Mexico, where after a short time in Mesilla, they had estab-

67. *Albuquerque Citizen*, June 3, 1897.

68. Otero says that from thirty to forty New Mexicans were in Washington in the spring of 1897, each pulling wires for his particular candidate. Finally a meeting was held to see if they could agree upon one man. Jefferson Reynolds, formerly from McKinley's home town in Ohio, who had been supporting George H. Wallace (see files of the Appointment Division, Department of the Interior, under "New Mexico under the McKinley Administration") spoke in favor of Otero. Otero, *My Life on the Frontier*, II. (Ms.), 319. A special despatch to the *St. Louis Globe-Democrat* (May 31, 1897), stated that the conference endorsed him for governor. Otero had been a candidate for the position of U. S. marshal for the territory. The *Pittsburg Leader* (June 20, 1897) publicized him as a "political Nimrod . . . capable of the remarkable feat of firing at a sparrow and bringing down a plump canvas-back duck."

69. *Washington Post*, Aug. 13, 1898; *Washington Star*, Dec. 19, 1898; *Albuquerque Journal-Democrat*, June 8, 1902.

70. R. E. Twitchell to Roosevelt, May 14, 1901.

71. *Biographical Dictionary of the American Congress*, p. 797; Twitchell, *op. cit.*, pp. 519-520; biographical sketch for "Once a Week," Catron Press Copy Books, vol. 11, p. 175. This sketch was probably written on or about Feb. 16, 1895.

lished themselves in Santa Fe. A brainy man, Catron had become one of the leading lawyers in the territory, and had accumulated a fortune through his extensive practice and the acquisition of old Spanish and Mexican land grants. According to the *New Mexican* for January 13, 1883, he was "one of the largest land holders in the nation," while Catron claimed to be the biggest individual tax-payer in the territory.⁷² He was an omnivorous reader, and collected a large library, even buying a number of rare Spanish books from the Father Fisher collection in Mexico.⁷³ A gruff man who frequently rubbed people the wrong way, he made many enemies, who declared that he "always used his 'brains and energy' to advance his own selfish interest" at the expense of the people. His correspondence shows that as a member of the Legislative Council, he served railroads and express companies by blocking unfriendly legislation, but that he was not devoid of consideration for "the people." Thus in 1899 he wrote to Delegate Perea, urging him to protest against one hundred poor people who had goats and sheep on the Gila River Forest Reserve being ordered to vacate in the dead of winter.⁷⁴ The next day he wrote again, urging Perea to protest against the "outrageous robbery of the public lands" by certain parties who had leased the Zuni Salt Lake for "grazing."⁷⁵ Catron declared that there was probably "not an inch of grazing in the whole four sections," but that the lease-holders would make a profit of thousands of dollars by selling the salt to the poor people of the territory.

In 1894 Catron performed no small service to his party by defeating a Democrat, Antonio Joseph, who had occupied the office of Delegate to Congress for ten years. The election of the Santa Fé County boss was doubtless due to the

72. Catron to Robert Black, April 9, 1895.

73. *New Mexican*, April 21, 1890. Father Augustine Fisher was once private secretary to Emperor Maximilian. This collection, minus the books on Mexican law, has been loaned by the Catron family to the University of New Mexico.

74. Catron to Pedro Perea, Nov. 23, 1899.

75. Catron to Pedro Perea, Nov. 24, 1899.

intelligent leadership and campaign funds which he supplied,⁷⁶ as well as to the disgust of New Mexico sheep, wool, lead and silver interests with the Cleveland administration. The two years during which he served as Delegate proved disappointing. He was unable to get New Mexico admitted to the union, and his reputation and influence were seriously damaged in the territory and at the national capital. Accusing him of tampering with witnesses in the infamous Borrego case, his enemies tried to disbar him. Catron wrote Elkins: "Instead of attempting to convict the defendants in that case, the whole effort of the prosecution, including the entire democratic party in this country, has been to try to connect me with the murder."⁷⁷ While the disbarment proceedings were dismissed, and Catron was immediately elected president of the bar association, copies of the opinion of the one dissenting judge were distributed widely among federal officials and congressmen in Washington.⁷⁸ Apparently his absence from the territory aided the younger men in the party, "the colts," as they were called, in a revolt against his "dictatorship." Major Llewellyn also joined the fight, and with the assistance of two other members of the New Mexico delegation to the St. Louis convention, deprived the Santa Fé leader of his cherished position as national committeeman for New Mexico.⁷⁹ Furthermore Catron had originally supported Thomas B. Reed of Maine for the presidential nomination,⁸⁰ even though it was reported that the powerful Speaker of the House opposed the admission of

76. Catron to Jefferson Reynolds, Dec. 16, 1897.

77. Catron to Elkins, Aug. 24, 1895.

78. Catron to Elkins, Aug. 23, 1895; Aug. 24, 1895. For the proceedings, see "In Re Catron" in *Reports of Cases Determined in the Supreme Court of the Territory of New Mexico* (Columbia, Mo., 1897), vol. VIII, pp. 253-327.

79. Catron to Jefferson Reynolds, Dec. 16, 1897; *New Mexican*, June 27 and 29, 1896.

80. Early in 1895 Catron was supporting *Reed*. On Feb. 14, 1895, he wrote to R. C. Kerens: "It looks to me as if Reed ought to be the coming man. His expressions on silver certainly make him strong in the west. McKinley, while strong in the east, was too boisterous in his opposition to silver in the west, and his tariff record is regarded as being extreme."

any more territories.⁸¹ Although Catron shifted his support to McKinley later, and was promised the patronage in New Mexico,⁸² the following year he was not only defeated for re-election as Delegate, but was further chagrined to see his nominee for the governorship, Pedro Perea,⁸³ rejected, and one of "the colts" appointed instead.

While hostile newspapers hailed Otero's appointment as the end of Catron's political power in New Mexico,⁸⁴ the latter pledged his support to the new governor, who in turn promised to support the Santa Fé leader for the position of United States attorney for the territory.⁸⁵ In Washington, however, the governor apparently decided that Catron's reputation had been damaged to such an extent that it was impolitic to support him.⁸⁶ In time, Catron realized that Otero was working systematically to undermine his influence in order to build up his own machine.⁸⁷ Catron thus became a bitter opponent of Otero. The young governor and his advisers, however, proved skilful politicians and able administrators and consequently enjoyed the support of the majority of the party and practically the entire territorial press. Three papers only were conspicuous for their opposition: the *Las Vegas Optic*, an old paper published in the town in which Otero had made his home for some years, and the *Capital* and the *Eagle*, new papers established in Santa Fé by his enemies. These "yellow sheets," as they were called, continually denounced the corrupt ring which they declared surrounded "the little governor." His enemies, led by Catron, made a strong fight against his reappointment by McKinley in June, 1901, preferring a variety of charges

81. Albuquerque *Morning Journal*, Jan. 16, 1896, March 17, 1896.

82. Catron to Elkins, Aug. 23, 1898.

83. Catron to William McKinley, April 30, 1897. A press clipping in the Otero Scrap Book, vol. II, p. 18, says: "The Catron-Perea republican organization has been sat upon, yes, spit upon, by the administration. Their Reedish actions at St. Louis last summer settled their destiny politically."

84. Albuquerque *Morning Democrat*, June 23, 1897.

85. Catron to Jefferson Reynolds, Dec. 16, 1897.

86. Catron to W. J. Mills, April 2, 1898.

87. Catron to Elkins, April 8, 1899; Catron to Silvester Davis, Jan. 14, 1900.

supported by affidavits. New Mexico, however, was notorious for making charges against her governors, and nothing came of them, even though they were renewed after Roosevelt became president. Otero was strongly supported by Major Llewellyn and other Rough Riders,⁸⁸ and thus he remained in office until his second term expired in January, 1906.

Nine years in office is a remarkable record for a Governor of New Mexico. Otero, however, gathered around him able advisers such as Solomon Luna, H. O. Bursum, Charles Springer, and W. A. Hawkins. These men represented corporate and livestock interests which dictated legislation, and influenced the Governor in the matter of appointments and policy. According to Catron, Solomon Luna was "the strongest and best politician in the territory amongst the Spanish-speaking element."⁸⁹ Bursum's ability was to be recognized later by a seat in the United States Senate. Charles Springer was the skilled draftsman who drew the bills that it was intended the legislature should pass. Hawkins was attorney for the El Paso and Southwestern Railroad. If the census of 1910 showed great gains for New Mexico, this was due in part to the prosperity felt throughout the nation, and in part to the able administration of "the little governor" and his advisers. A rather favorable summary of his achievements was given by the Ft. Sumner *Review* ten years after he left office. The *Review* said: "He came into office to find an empty treasury, a large territorial debt, bonds selling at a low figure and hundreds of thousands of dollars in unpaid accounts. When he went out of office the territory's credit was on a cash basis, the debt had been reduced \$60,000 a year, accounts due had been paid in full and there was several thousand dollars in the treasury. He established the offices of traveling auditor, insurance commissioner and game warden, vetoed the infamous Haw-

88. Frederick Muller and W. E. Dame were the most conspicuous former members of Roosevelt's regiment who opposed Otero.

89. Catron to Elkins, Oct. 26, 1897.

kins bill, prevented the building of the international dam at El Paso instead of at Elephant Butte pocket, vetoed many graft bills, removed the Hubbells from office in Bernalillo county, helped secure 1,500 soldiers in New Mexico for the Spanish war, and secured legislative appropriations for state institutions."⁹⁰

In commenting on the claim that Governor Otero was an enthusiast for statehood, the Albuquerque *Weekly News* stated that unfortunately "our governors with some notable exceptions heretofore have been for statehood when their terms expired, but showed no disposition to do anything that might cut short their tenure of office."⁹¹ On entering politics in 1885, Otero had opposed the admission of New Mexico at that time, since he believed that the people were too poor to assume the responsibilities of statehood, and that increased taxation would make it a hardship.⁹² Otero says in "My Life on the Frontier," that in 1888, when the *New Mexican* published the opinions of many prominent citizens of both parties on statehood, he "was greatly interested in reading them."⁹³ He states that he agreed with the opinion of Numa Reymond of Las Cruces who said: "I notice all the politicians on both sides favor statehood, and all the business men and tax payers on both sides are not in favor; so I am not in favor of statehood at this time."⁹⁴ Otero adds: "For a great many reasons I did not think New Mexico ready for statehood at this time. The taxes I thought would be much too heavy for our citizens to carry, and, as we were without a system of public schools in the territory, I believed that this condition would prove very unsatisfactory to the people generally throughout the United States."

90. Ft. Sumner *Review*, Oct. 21, 1916. Clipping found in Catron Newspaper File.

91. Press clipping in the Otero Scrap Book, vol. II., p. 37.

92. Otero, "My Life on the Frontier (*Ms.*), vol. II, p. 186.

93. *Ibid.*, pp. 235-236.

94. The opinion of Mr. Reymond appeared in the *New Mexican* for Jan. 19, 1888.

After Otero became governor, his enemies charged that he and the other territorial officials were secretly opposed to the cause. Thus Catron wrote the publisher and editor of the *Albuquerque Citizen*: "I do not believe that they (the governor and the territorial officials) are honestly in favor of statehood. They would throw it overboard in order to hold their offices."⁹⁵ *The New Mexican*, however, declared: "Governor Otero puts in a good word for statehood upon every possible occasion and the hints of a few Democratic newspapers that he is opposed to statehood are but idle vaporings."⁹⁶ As was customary, Otero included a plea for statehood in nearly all of his annual reports to the Secretary of the Interior, and called the matter to the attention of the territorial legislature from time to time. These reports, which were much more comprehensive than those of his predecessors, were distributed widely by the New Mexico Bureau of Immigration, and doubtless did much to dispel the ignorance of the East regarding the resources of New Mexico.⁹⁷ Furthermore, the governor made frequent visits to Washington, and through interviews in the press and conversation with friends and acquaintances did much to give publicity to the territory and its demand for statehood.

Otero was frequently thrown into contact with N. O. Murphy, Governor of Arizona from 1898 to 1902, and the two became warm friends. In December, 1899, when the two governors were returning from the capital city, they persuaded friendly federal officials to come out with them as their guests. The *Albuquerque Citizen* announced: "The Senate Committee on Territories will visit New Mexico and Arizona during the holidays with a view of investigating the actual conditions of the two territories applying for statehood."⁹⁸ As a matter of fact, this was not an official

95. Catron to Hughes and McCreight, Jan. 11, 1900. See also Catron to George W. Pritchard, Jan. 13, 1900.

96. *New Mexican*, Nov. 29, 1902.

97. *Denver Republican*, Nov. 17, 1900; *Albuquerque Citizen*, Aug. 1, 1900.

98. *Albuquerque Citizen*, Dec. 21, 1899. This episode was a forerunner of the official investigation made in 1902 by the Beveridge committee, which will be discussed in a later article in this series.

investigation, and the only member of the Senate Committee who came was the chairman, Senator George L. Shoup, of Idaho. The party made several stops in both territories, and were welcomed by leading citizens. Many speeches were made, and Senator C. D. Clark of Wyoming, the only other senator in the party, told how a \$50,000 lobby in Washington had helped to get Wyoming into the union a few years before.⁹⁹ The press reported that at a reception tendered them in Phoenix, "The visitors . . . expressed themselves surprised by the wonderful resources of Arizona and declared themselves in favor of admitting both Arizona and New Mexico."¹⁰⁰ Forgetful of the unofficial character of the visitors, the Albuquerque *Citizen* enthusiastically declared that "if statehood is secured for New Mexico at this term of Congress, the greatest honor is due to Governor Otero, for it was through his effort that a committee for the first time in the history of the territory visited New Mexico with the express purpose of conferring with its people about Statehood."¹⁰¹

In June, 1900, Otero served as a delegate to the Republican National Convention at Philadelphia, and helped to get the statehood plank into the platform. Apparently, New Mexico attracted a good deal of attention at the convention. While some asked, "Are the people of New Mexico as rough and wild as they are pictured?"¹⁰² a Boston *Journal* correspondent concluded that the territory "must be launching a special boom for statehood,"¹⁰³ and it was reported that New Mexico was making a good impression."¹⁰⁴ Regarding the methods used, the Governor told a Washington correspondent: "We went to Philadelphia early, engaged rooms at a leading hotel, and talked and entertained for New Mexico. The result was the strong recommendation for

99. Albuquerque *Journal-Democrat*, July 28, 1901, Aug. 30, 1901.

100. *Ibid.*, Dec. 27, 1899.

101. *Ibid.*, Dec. 25, 1899.

102. Albuquerque *Journal-Democrat*, June 27, 1900.

103. *Ibid.*, June 26, 1900.

104. *Ibid.*, June 27, 1900.

statehood in the party platform."¹⁰⁵ He might also have added that the whole delegation under his leadership refused to say what they would do in the vice-presidential fight, but intimated that they would not allow personal feeling to influence them, but would "Vote as a unit for what seems to promise most for New Mexico."¹⁰⁶

In his first inaugural address, Otero made no mention of statehood. In his second, however, he promised to work indefatigably for it, and predicted that New Mexico would be a state before his term of office expired. This pledge, however, was regarded as insincere in some quarters, as is shown by the following editorial comment: "His (Otero's) strong declaration in favor of statehood is not taken seriously in Raton, and there will be no kick so long as it is all talk."¹⁰⁷ As a matter of fact, none of the men in power dur-

105. Washington dispatch to the St. Louis *Globe-Democrat*, quoted by Santa Fé *New Mexican*, gave the credit for the insertion of the statehood plank in the platform to the New Mexico delegation under the leadership of Gov. Otero, and to Solomon Luna, national committeeman. *New Mexican*, June 25, 1900. Doubtless the pledge given New Mexico was due in no small measure to the increased representation of the territory in the convention. While a member of the National Democratic Committee, Neil B. Field of Albuquerque, had secured from the committee recognition of the rights of the Democrats in the territory to representation in the convention equal to that of the smallest state. The territories had previously had two delegates without votes. From that time until statehood they were given six delegates without votes. This resulted in forcing the Republican National Committee to do the same thing. *Ft. Sumner Review*, Oct. 21, 1916. Clipping found in Catron Newspaper File.

106. *Journal-Democrat*, June 27, 1900. This dispatch gave special credit to Edward A. Cahoon of Roswell, New Mexico's representative on the committee on resolutions, for his part in getting the statehood plank into the platform. The dispatch stated that the plank had been left out, but "Mr. Cahoon brought the matter up in committee and ably presented the claims for the territories. Several speeches were made against the plank, but every objection was met and the clause was inserted by unanimous vote." *Ibid.* For the charge made in congress in 1902 that Lemuel E. Quigg of New York, "smuggled" the statehood plank into the platform of 1900, see the fourth article in this series.

107. Press clipping in *Otero Scrap Book*, vol. I, page 45. Colfax County had a large proportion of Anglo-Americans, and they were not enthusiastic over statehood. According to the Albuquerque *Citizen*, the *Raton Range* even advocated "annexing the northern portion of New Mexico to Colorado for statehood purposes." *Citizen*, May 24, 1900. Trinidad, Colorado, and Amarillo and El Paso were also suggested at various times as suitable capitals for states carved partly out of New Mexico. Some years earlier the Silver City *Enterprise* (May 18, 1888) had suggested a new state to be made up of the southwestern counties of New Mexico and portions of Mexico and Arizona. The *Enterprise* reported that the scheme was "meeting with great encouragement," and little opposition, "except by the Santa Fé ring and eastern place hunters."

ing the first few years of the Otero administration was enthusiastic about the admission of New Mexico to the union, but they advocated it as a matter of policy.

On the other hand, the men who represented the territory in Congress during the latter half of the 1890's were all sincere workers for statehood. Perhaps it is not too much to say that each of these three leaders made a unique contribution to the cause.

The letters of Thomas B. Catron, Delegate from 1895 to 1897, show that statehood was constantly in his thought. Moreover, they reveal why he wished to see the territory admitted and how he sought to achieve the desired end. As a large land-holder, he found it difficult to persuade capitalists to invest in a territory, but hoped that the coming of statehood would boom the value of both real estate and mining property.¹⁰⁸ An ardent Republican, he was convinced that admission would mean two more votes in the Senate in favor of the right policies.¹⁰⁹ A dynamic personality, whose leadership had been recognized for many years in the territory, he naturally aspired to a seat in the Senate himself, especially after Elkins, his friend since boyhood, attained that honor.¹¹⁰ The ways in which Catron sought to

108. On Sept. 10, 1895, Catron wrote Mrs. Kate E. Coons of Strother, Missouri, as follows: "I am unable at present to sell the interest of Mr. Coons in San Miguel Springs grant. There has been no revival of business in this territory. Capitalists are making considerable enquiry with reference to property, but it seems to be almost impossible to get one of them to invest. I have offered property at ruinous rates, but the answer is that they don't desire to go so far west. I fear nothing can be accomplished until New Mexico is admitted as a state. Then I believe property will be on a boom. To Elkins, Catron wrote on Aug. 31, 1896: "If New Mexico goes republican the statehood bill will be passed without doubt, and the property of this company (New Mexico Mine Grant Co.) will be doubled in value." He wrote Don Matias Contreras, July 30, 1896: "Si Nuevo Mejico esta admitido como Estado, cada acre de aquella tierra valdra tres pesos endonde no vale mas de uno ahora. Todas las tierras de aquel pueblo tendran much valor."

109. Catron to H. M. Teller, Feb. 14, 1894.

110. Catron to E. McB. Timony, Jan. 5, 1898. Even the Albuquerque *Morning Democrat* believed Catron was sincere in his statehood efforts. Just as he was taking his seat as Delegate in the Fifty-fourth Congress, it remarked editorially: "One reason for placing confidence in Catron's sincerity of purpose in working for statehood is that he has so much at stake personally, both in the gratification of his political ambition and in the way of enhancing the value of his immense property interests. As this selfish motive has been the key note of his past record, it gives

hasten statehood were characteristic of the man. He thought it foolish to expect a Republican administration to admit a Democratic territory, so worked constantly to assure Republican control of New Mexico, and to convince party leaders that it was "sound upon all the national issues."¹¹¹ In the spring of 1896 he wrote from Washington, urging Otero to see to it that the territorial convention did not endorse free silver.¹¹² An opportunist in politics, he also urged that the convention should not commit itself to any presidential candidate, but should leave the impression that the delegates from New Mexico to the national convention would support those who would help them get statehood. Catron was always a schemer. Before taking his seat in Congress, he tried to pull the wires to have himself appointed chairman of the Committee on Territories.¹¹³ Having been advised that this would be "against all precedent,"¹¹⁴ he urged George D. Perkins of Iowa, who had expressed himself in conversation as "decidedly friendly to the admission of New Mexico," to "secure, if possible the chairmanship of the committee . . ."¹¹⁵ He also wrote Speaker Reed, urging that western men and those who were special friends of New Mexico be placed on the committee.¹¹⁶ Finding later that the committee was "almost equally divided,"¹¹⁷ he did not despair and his confidence that he would secure a favorable report was finally justified.¹¹⁸ Two years after he left Washington, when his friend Perea was about to take his old seat, he

111. Catron to Thomas C. Reed, August 2, 1895.

112. Catron to M. A. Otero, March 5, 1896. Letters written by Catron from Washington are apparently not in the Catron collection. Ex-Governor Otero, however, permitted me to make a copy of the original of this letter.

113. Catron to R. C. Kerens, Jan. 23, 1895; Catron to Elkins, Jan. 23, 1895.

114. Catron to R. C. Kerens, Feb. 14, 1895; Catron to Elkins, Feb. 14, 1895.

115. Catron to George D. Perkins, Aug. 2, 1895.

116. Catron to Thomas C. Reed, Aug. 2, 1895.

117. Catron to Otero, March 5, 1896.

118. Catron reported for the committee on June 6, 1896. *Congressional Record*, vol. 28, part 7, p. 6197. The report is given in *House Report*, 54th Congress, 1st session, vol. 9, no. 2259.

ground for basing expectations of the honesty of his purpose at the present time in this respect." *Morning Democrat*, Dec. 7, 1895.

wrote more letters urging that a favorable committee be appointed.¹¹⁹ Many of his suggestions were disregarded, but he was not easily discouraged. A bold and resourceful fighter, Catron looked forward to statehood for years. In the end he won the coveted seat in the Senate, but found that taxes went up immediately, but real estate did not.

Catron's successor in Congress was Harvey B. Fergusson. The Democratic press, always strongly biased against Catron, drew quite a contrast between the two men, claiming that the former served property interests, while the latter was the champion of the people.¹²⁰ While he was the son of a plantation owner in Alabama,¹²¹ the brilliant Albuquerque lawyer was never rich. On several occasions he addressed the negroes of his city on Emancipation Day, and defended the rights of labor. A graduate of the law department of Washington and Lee University, he had very definite ideas as to what the constitution of the state of New Mexico should contain. In the constitutional convention of 1910 he was to fight vigorously for provisions which at the time were regarded as not only progressive but radical and dangerous, only to be defeated by conservatives like Fall and Catron. Fergusson, who was an eloquent, fiery speaker, made a very active campaign in 1896,¹²² emphasizing free silver rather than the admission of the territory to the union. While his efforts for statehood naturally proved futile in a Republican Congress, he secured the kindly interest of Speaker Reed,¹²⁴ and was thus able to make a unique contribution. A strong believer in education, he persuaded Congress to pass the Fergusson Act,¹²⁵ which gave millions of

119. Catron to D. B. Henderson, Nov. 14, 1899; Catron to Pedro Perea, Nov. 24, 1899.

120. Albuquerque *Morning Democrat*, Oct. 17, 1896. See also the Las Vegas *Optic*, Oct. 7, 1896.

121. See a biographical sketch of Fergusson, prepared by Mrs. Janet Smith Kromer for the Federal Writers' Project.

122. Albuquerque *Morning Democrat*, Oct. 10, 1896.

123. Las Vegas *Optic*, Oct. 5, 1896.

124. Twitchell, *op. cit.*, p. 521.

125. For his very able speech, see the *Congressional Record*, vol. 31, part 2, pp. 1369-1373.

acres of land to the territory in trust for public schools and institutions of higher learning. This act, passed by Congress on June 9, 1898,¹²⁶ proved the foundation of the public school system in New Mexico, and did much to prepare the people of the territory for admission to the full privileges of American citizens twelve years later.

Like Catron and Fergusson, Pedro Perea, who represented New Mexico between 1899 and 1901, was a college man, having been graduated from St. Louis University in 1871.¹²⁷ A member of an influential Spanish-American family which founded the town of Bernallilo, Perea had a large following among the native people of the territory. He was strongly supported for the governorship in 1897, but, according to one account, "failed because of the neglect of Senator Elkins to keep an appointment with the president and the secretary of the interior."¹²⁸ In writing to McKinley to urge the appointment of Perea, Catron pointed out that two-thirds of the Republican party in New Mexico were "native people of Mexican descent," that for fifty years they had been kept in the background, but now felt that the governor should be selected from one of their number, and were a unit in favor of Perea.¹²⁹ The latter was a wealthy man, owning "over 40,000 head of sheep," according to Catron and a large stockholder in the First National Bank of Santa Fe of which he had been president for four years. Catron further described Perea as a man "of the strictest integrity" who possessed popular confidence especially that of the native people.

One historian of New Mexico has dismissed Perea's record as Delegate in six words by saying: "Very little was accomplished in congress by Mr. Perea, . . ."¹³⁰ Yet he doubtless accomplished something of value, though intangible. There was so much ignorance and prejudice concerning the

126. *Ibid.*, part 6, p. 5670.

127. *Biographical Dictionary of the American Congress*, p. 1401.

128. Twitchell, *op. cit.*, p. 523.

129. Catron to William McKinley, April 30, 1897.

130. Twitchell, *op. cit.*, p. 543.

native people of New Mexico that it must have been significant for the distant territory to be represented at the national capital by one of the ablest of her native sons. A mild-mannered man who may not have attracted as much attention as Catron or Fergusson, Perea surely helped to break down Eastern prejudice against his own people,¹³¹ and thus made his contribution toward the admission of the territory to the union.

T. B. Catron was not the only political leader of New Mexico who aspired to represent the new state in the United States Senate, as the following editorial from the *Las Vegas Optic* shows:

“The strong effort for immediate statehood brings the senatorial plum nearer to those who are longing for it. To desire senatorial honors is a commendable ambition. It is well known that Hon. T. B. Catron has long felt that a place in the senate beside his old time friend, Steve Elkins, would be the consummation of a life long aspiration. In every part of New Mexico he has warm friends who hope for this result, but Governor Otero is not among them. Until the latter came into office, Mr. Catron was recognized as the leader of his party and it was generally conceded that he should be senator. The advent of the Otero administration entirely changed this current, and the young and ambitious Otero at once grappled with Catron with courage and cunning and so far has proven the stronger man. Not only has Mr. Catron been retired, but his intimate friends, and his supporters, also. This is true of Fiske and Prince and Freeman and Baca and would be true of Don Eugenio Romero, were it not for the fact that he has a local following that will not down. Otero and Luna have come forward as the controlling giants in the Republican party, and in proportion as they have come into the ascendant, the old leaders have waned in influence. The battle at Washington is the prelim-

131. Washington dispatch, signed by Olive Ennis Hite, in *Albuquerque Journal-Democrat*, Jan. 13, 1901.

inary struggle for the senate. The evident combination between Gov. Otero and Sol. Luna is to make the governor one senator from the north and Mr. Luna the other from the south. It was for this that Manuel C. de Baca was sent in retirement to his cow ranch in Guadalupe. It was to aid in breaking this power that Mr. Baca went to Washington. However, new Richmonds are likely in the field. Hon. Benj. S. Baker who succeeds Judge Crumpacker, is an astute politician from Nebraska. He has been leading in his own state and may become a political factor to be reckoned with in New Mexico. Governor Prince is not yet dead. Fiske is a very lively corpse and Catron may yet carry the battle successfully. All in all the political and senatorial situation in New Mexico is interesting."¹³²

The second article will discuss the attitude toward statehood of the press and the people of the territory in the last half of the 1890's.

132. Las Vegas *Optic*, Dec. 19 (1901?). From a clipping in the Otero Scrap Book, vol. I, p. 63. This issue is missing from the file of the *Optic* at the University of New Mexico.

THE AMERICAN OCCUPATION OF NEW MEXICO 1821-1852

By SISTER MARY LOYOLA, S.H.N., PH.D.

CHAPTER I

THE ANGLO-AMERICAN PIONEER MOVEMENT

NEW MEXICO, which perpetuates in its name the hope of the early Spanish explorers to find in this northern region a civilization rivaling in splendor that of the Aztecs of the south, seems always to have had some inherent charm which piqued the curiosity and excited the interest of the foreigner. Shortly after Spain had taken possession of the territory, efforts were made by French adventurers to gain access to this land of reputed wealth in gold and silver and opportunities for trade. As early as 1703 a band of twenty Canadians went from the Illinois country for the purpose of trading and learning about the mines.¹

Spain, doubtless, had a foreboding that through just such means as this her colonial empire would be wrested from her or her heirs. Therefore in 1723, royal orders in consonance with the general colonial policy prohibited the trade which the Spaniards were carrying on with the French in Louisiana.² Sometimes enforced, sometimes neglected, such mandates did not prevent continued attempts to develop intercourse during the French occupation of Louisiana.³

Posts were erected in the intervening territory; repeated efforts were made to establish peace between the various Indian tribes whose internecine strife rendered French ingress difficult or impossible. Between 1718 and 1739 trappers and adventurers vied with one another in at-

1. Bolton and Marshall, *The Colonization of North America*, 282-5.

2. Bancroft, H. H., *Arizona and New Mexico*, 238.

3. Bolton, H. E., *Athanase de Mézières and the Louisiana-Texas Frontier*, I, 49
et seq.

tempts to push up the Missouri and thence to New Mexico. At the latter date, the Mallet party succeeded not only in reaching the ambitioned destination, but also in returning alive. They reported good prospects for trade.

In 1741 a futile attempt to reach the Mexican outposts was initiated by Governor Bienville of Louisiana. In 1746 or 1747 a treaty between the Comanche and the Jumano Indians made the Arkansas route safe. The immediate consequence was the entrance into Spanish territory of Frenchmen who, as early as 1748, went, thirty-one strong, to trade muskets for mules with the Comanches. The members of this party did not enter Santa Fé; but in the ensuing years, one group after another went or was taken to the capital of New Mexico. Governor Velez finally advised the Viceroy to forbid those who thus came to return to the French settlements. Thus, he thought, further information about New Mexico which would encourage others to try their fortune in the foreign land would not be disseminated. Moreover their knowledge of various crafts would be an asset to a place which evidently suffered much from lack of skilled workmen.

However, repeated intrusions were being effected at times with the approval or connivance of French officials. An almost identical situation was also developing on the Texas-Louisiana frontier. Reports from both areas resulted in a royal decree of June 1751 whereby it was ordered "that French intruders in the Spanish dominions be prevented from returning to their country under any pretext whatsoever." The Viceroy was ordered to keep vigilant watch of the operations of the French nation.⁴

With the definite cession of Louisiana to Spain (1762) fear of foreign intrusion into New Mexico was practically removed. By order of the Viceroy of New Spain the path between Santa Fé and St. Louis was now officially explored by the Frenchman, Vial, in 1792-1793.⁵ While extensive

4. Bolton, H. E., "French Intrusions into New Mexico" in *The Pacific Ocean History*, 389-407. Dr. Bolton used as his source two *expedientes* which he discovered in the archives of Mexico.

5. Bolton, H. E., *Texas in the Middle Eighteenth Century*, 132; Houck, L., *The Spanish Regime in Missouri*, I, 350.

trade was not, perhaps, carried on between the two places, it would seem strange if it had completely ceased. The casual observations of Lewis and Clark in regard to such intercourse lead one to infer that such trading was not unknown.⁶

Preliminary Steps in Gaining Access to New Mexico. Almost half a century before any official attempt was made by the United States to take forcible possession of New Mexico, beginnings of the extension of American influence into the region were made by means of commerce. Scarcely had the Louisiana territory been acquired when attempts were made to break through the barriers set up by Spanish law to the entrance of foreigners into the Internal Provinces of which New Mexico formed a part. This was but one phase of the widespread movement of the sturdy frontiersmen and adventurous trappers to explore the new land west of the Mississippi and force it to yield up its riches to their determined efforts.⁷

Baptiste La Lande, a French creole, has acquired a scarcely deserved fame because of the fact that he made the first recorded expedition from American soil to Santa Fé. He was sent out in 1804 by Wm. Morrison of Kaskaskia to trade with the Pawnees, and, if possible, to make his way to Santa Fé to observe the prospects of opening up trade.⁸ La Lande sent some Indians ahead to determine what sort of welcome would await him. As a result, the Spaniards came out to where he was stationed and accompanied him into the province. "Finding that the goods sold high, that lands were offered him and that the women were kind, he concluded to expatriate himself and convert the property of Morrison to his own benefit."⁹

6. Chittenden, H. M., *The History of the American Fur Trade of the Far West*, II, 490.

7. See Chittenden, *op. cit.*, *passim*.

8. Pike, Z. M., *Exploratory Travels* (Rees ed.), 263.

9. *Ibid.*, 250. Chittenden says that the government lent its assistance to keep La Lande by offering him land "doubtless preferring that he should stay, rather than return with reports which would inevitably lead to a renewal of the enterprise." (Chittenden, *op. cit.*, II, 390.)

Morrison took advantage of Pike's official expedition to the Red River to attempt to recover his goods. The endeavor to obtain satisfaction was unsuccessful, and La Lande remained in Santa Fé "not only unmolested but honored and esteemed till his death, which occurred some fifteen or twenty years afterward—leaving a large family and sufficient property to entitle him to the fame of 'rico' among his neighbors."¹⁰

The next enterprise of similar nature under American auspices, of which we have any information, was that undertaken by James Purcell, a native of Baird's Town, Kentucky. Then, as later, American energy would not be daunted by the dangers to be incurred because of the savage tribes which surrounded the regions through which the path to New Mexico lay, or the physical hardships that must necessarily be endured, or the laws of Spain which forbade foreign trade.¹¹ Before La Lande's adventure, Purcell, in 1802, with two companions left St. Louis for the West where they hunted and trapped. While they were preparing to descend the Arkansas to New Orleans, their horses were stolen by the hostile Kansas Indians. Their determined efforts to recover the animals so astounded the Indians that they dubbed the trappers the "Mad Americans," and in admiration returned the stolen horses. Hardships continued until, finally, their whole year's labor was rendered futile by the loss of all their peltries. Purcell then joined a chance acquaintance who was going toward the Mandan villages. There he was employed with some Indian bands in a hunting and trading expedition.

The Indians desired to trade with the Spaniards, so they sent Purcell and his companions with two of their own number to Santa Fé to negotiate the matter for them. The governor, Alencaster, granted the request and the Indians returned to their bands. But Purcell took advantage of this

10. Gregg, J., *Commerce of the Prairies* I, 18. La Lande was buried at Rancho de Taos. (Note supplied by F. T. Cheatham of Taos).

11. See Willard, "Inland Trade with New Mexico" in *Personal Narrative of James O. Pattie*, 257.

opportunity to enjoy civilized companions once more and took up his abode in Santa Fé (1805) where he pursued his trade of carpenter with great success. He confided to Pike, who met him there, that though a passport would be given to him on demand, he was obliged to give security that he would not leave the country without permission, and that he was not allowed to write; that he had found gold at the head of the Platte river and feared his refusal to reveal the place where it was found, since he believed it to be in American territory, would be an obstacle to his return.¹² Although this enterprise had practically no effect upon commerce, it is of interest as a proof of American hardihood.¹³

The most important of the early expeditions to Santa Fé was that undertaken by Lieutenant Zebulon Montgomery Pike in 1806-7. Instructions were issued by the War Department ordering him to bring about a peace between the Kansas and Osage Indians, and to effect an interview and establish friendly relations with the Ietans and Comanches. Since this would probably lead Pike close to the Spanish settlements of New Mexico, he was cautioned to be on his guard not to cause alarm or give offense, since "the affairs of Spain and the United States appear to be on the point of amicable adjustment and, moreover, it is the desire of the President to cultivate the friendship and harmonious intercourse of all the nations of the earth, and particularly our nearest neighbors, the Spaniards." Pike was ordered to make careful scientific observations and to keep a precise record of distances traversed and of the general character of the country.¹⁴

Many who have studied carefully the circumstances attendant upon Pike's expedition are convinced that there was much more in his instructions than appears in the documents. Coues says:

12. Pike, Z. M., *Exploratory Travels* (Rees Ed.) 345-348. "The spelling Purcell is undoubtedly correct although Pike gives it as Pursley" (Chittenden, II, 493).

13. Pino, P. B., *Noticias Historicas y Estadisticas*, 74.

14. Wilkinson, J., *To Lieutenant Z. M. Pike, July 12, 1806. Document of War Dept.* Cited by Rees, p. XIII-XIV.

It is well understood that Pike had secret instructions from the traitor, Gen. Wilkinson, over and beyond those which were ostensible; and no doubt the main purpose of his expedition was to open the way to Santa Fé, with reference to such military operations as then seemed probable. It is certain that General Wilkinson contemplated the possibility if not probability of invading New Mexico.¹⁵

Gregg, on the other hand states:

Many will believe and assert to the present day, however, that this expedition had some connection with the famous project of Aaron Burr; yet the noble and patriotic character of the officer who conducted it will not permit us to countenance such an aspersion.¹⁶

The interesting details of Pike's trip were carefully recorded by himself, and need not be repeated here. His erection of a fort on the west side of what he thought was the Red River, but which was in reality the Rio Grande and therefore unquestionably in Spanish territory, caused the authorities of New Mexico to send a body of cavalry to conduct him, by force if necessary, to Santa Fé. If his real object was to reach this Spanish capital, it was thus accomplished in the most advantageous manner; for in his enforced stay and travels in New Spain, he had sufficient opportunity to observe conditions closely and yet he was allowed to return to the United States.

His account of the forbidden land aroused enthusiasm among his countrymen, and was doubtless the cause of the fitting up of many later trading expeditions. They ignored his reports of the difficulties to be encountered, and considered only the advantages to be gained. He states:

These vast plains of the western hemisphere may become in time equally celebrated with the

15. Coues, Elliott (ed.) *The Expeditions of Zebulon Montgomery Pike*, II, 563-4. See also Chittenden, H. M., *The American Fur Trade of the Far West*, II, 494. and Bancroft, H. H., *Arizona and New Mexico*, 295.

16. Gregg, J., *Commerce of the Prairies*, I, 19.

sandy deserts of Africa, for I saw in my route in various places, tracts of many leagues where the wind had thrown up the sand, in all the fanciful forms of the ocean's rolling waves, and on which not a speck of vegetation existed. But from these immense prairies may arise one great advantage; the restriction of our population to some certain limits, and thereby a continuation of the Union. Our citizens being so prone to rambling and extending themselves on the frontier, will, through necessity, be constrained to limit their extent on the west to the borders of the Missouri and Mississippi, while they leave the prairies, incapable of cultivation, to the wandering and uncivilized aborigines of the country.¹⁷

He describes Santa Fé, the population of which he estimated at 4,500, as

. . . situated along the banks of a small creek which comes down from the mountains and runs west to the Rio del Norte. The length of the town on the creek may be estimated at one mile, and it is but three streets in width. Its appearance from a distance struck my mind with the same effect as a fleet of flat-bottomed boats such as are seen in the spring and fall season descending the Ohio River.¹⁸

In a very detailed account of the commercial conditions, he states that New Mexico carried on trade directly with Mexico and "Biscay" as well as with Sonora and Sinaloa. The exports consisted of sheep, tobacco, dressed skins, fur, buffalo robes, salt and wrought copper vessels. In exchange it imported from "Biscay" and Mexico, dry goods, confectionery, arms, iron, steel, ammunition and European wines and liquors; and from Sonora and Sinaloa, gold, silver and cheese. The journey from Santa Fé to Mexico and return was said to take five months.

Although manufacturing was carried on to a reasonable extent, it was almost entirely in the hands of the Indians,

17. Pike, Z. M., *Exploratory Travels* (Rees Ed.), 249.

18. *Ibid.*, 265.

since the Spaniards preferred to give their time to agriculture. He states: "Cultivation is carried on at this place in as great perfection as at any I visited in the province. . . . At this place were as finely cultivated fields of wheat and other small grain as I ever saw, also numerous vineyards."¹⁹

He describes the people as the bravest and most hardy subjects of New Spain. He attributes this virility to the frontier condition of the district. Their lack of gold and silver he considers as a cause of their remarkable laboriousness. He was much impressed by their hospitality and generosity.²⁰

The first to make use of this definite information concerning the conditions in the Spanish province were Robert McKnight, Benjamin Shrive, James Baird and some few others, all citizens of the United States who, in 1812, went up the Missouri River and thence toward the land of opportunity.²¹ Following the directions of Pike, they reached Santa Fé in safety. They had evidently believed that the declaration of Mexican independence by Hidalgo, in 1810, had removed the necessity of obtaining passports from the Spanish government. They had not heard of the suppression of the premature uprising, nor did they know that all foreigners, but particularly Americans, were now regarded with increased suspicion. Immediately on their arrival, they were seized as spies; their goods were confiscated; and they were conducted to Chihuahua, where they were imprisoned. They remained prisoners until the final success of the cause of independence under Iturbide, in 1821. They were then released, and some of them made their way back to the United States.²²

19. Bareiro writing in 1832 states that agriculture was almost entirely neglected in his day. (*Ojeada de Sobre Nuevo Mexico*, 23). It is difficult to reconcile those two statements.

20. Pike, Z. M., *Exploratory Travels* (Rees Ed.), 344.

21. *American State Papers*, XII, 435. The original document declaring the entrance of these ten foreigners in 1812 and their imprisonment in accordance with the law forbidding trade by strangers, together with an invoice of their goods is in the Ritch Papers in the Huntington Library (Ritch I, 69).

22. Gregg, J., *Commerce of the Prairies*, I, 19-21. The reports of these men, on their return to their homes, far from discouraging further attempts at carrying

How fixed was the determination to gain access to New Mexico is evidenced by the report given by Choteau and De Mun of their attempt in 1817.²³ They state that while trading upon the Arkansas under a regular license from the Governor of Missouri, they were forcibly seized and taken as prisoners to Santa Fé where, after mock trials and an imprisonment of six weeks and deprivation of their goods, they were finally released and allowed to find their way home as best they could. In demanding damages, they declared that their loss in merchandise amounted to more than \$30,000.²⁴ Their claims were presented by our minister, Poinsett, to the Mexican authorities.²⁵

Establishment of Regular Trade Between Missouri and Santa Fé. The collapse of Spanish power in Mexico, 1821, made possible a phenomenal increase in the trade which had been carried on under such unfavorable circumstances when at least spasmodic efforts were made to enforce the restrictive commercial regulations of Spain. During the first years in which Mexico, in her inexperience, was attempting the difficult art of self-government, civil dissension and other internal difficulties prevented insistence upon the former restrictions, although they were not formally revoked. The news of the increase of intercourse with foreigners upon the frontier was, however, far from welcome to the Mexican officials.²⁶

Among the many who took advantage of the changed conditions were Captain William Becknell and four companions, residents of Franklin, Missouri, which had gradually displaced St. Louis as the frontier commercial post. They

23. *Senate Document 400*, 24 Congress, 1 Sess., *Passim*.

24. *American State Papers*, XII, 435-452.

25. *Senate Doc. 400*, 24 Congress, 1 Sess.

26. Manning, W. R., *Early Diplomatic Relations between the United States and Mexico*, 166-167.

on trade, induced others to try their fortune therein. The most noted of these enterprises was led by an Ohio merchant named Glenn, who, after many hardships finally succeeded, before the close of 1821, in reaching Santa Fé. Jacob Fowler, the second in command, was the interesting chronicler of the events of this trip. His journal was edited in a form as nearly as possible approximating the original by E. Coues, in 1898.

went out in 1821 to trade with the Indian tribes, and eventually made their way to New Mexico where they sold their small cargo at great profit.²⁷ The success of these adventurers led Stephen Cooper Walker, and a company of thirty-one men to repeat the trial in 1823. After untold suffering from lack of water, they finally reached their goal where they, too, advantageously disposed of their goods.²⁸

A second enterprise under Becknell in the same year (1822) may be said to mark the beginning of the regular Santa Fé trade. Chittenden remarks:

This journey is of historic importance in that it was the first which led directly to San Miguel by way of the Cimarron River instead of following the Arkansas to the mountains; and it was also the first that made use of wagons in the Santa Fé trade. To William Becknell, therefore, belongs the credit of having made the first regular trading expedition from the Missouri to Santa Fé; of being the first to follow the route direct to San Miguel instead of by way of Taos, and the first to introduce the use of wagons in the trade.²⁹

In 1824 wagons began to be employed regularly in place of pack animals, and a well organized company was established at Franklin, Missouri. The commerce, however, was never monopolized by large companies such as were formed for more northern trade. That it had grown to remarkable proportions is evidenced by the size of the yearly caravans and the amount of goods transported. Augustus Storrs, named United States Consul at Santa Fé in 1825, who wrote on New Mexico for Senator Benton, stated that the proceeds for the year 1824 would certainly exceed \$180,000. The round trip was accomplished at this early date in about four months.³⁰

27. Gregg, J., *Commerce of the Prairies*, I., 21.

28. *Narrative of Adventure of Joel P. Walker*, (Ms. in Bancroft Library).

29. Chittenden, H. M., *The History of the American Fur Trade of the Far West*, II, 503. A document in the Ritch Collection (R. I., 80) Oct. 24, 1824 gives evidence of the friendly relations established between Becknell and the government officials.

30. *Senate Doc. 7*, 18 Cong., 2 Sess., cited in Niles, 312; Twitchell, R. E., *Leading Facts of New Mexican History*, II, 107.

Opposition of Mexico. The progress being made was not ignored by Mexico. In 1823 Torrens, the Mexican Charge at Washington, reported to his government that an expedition, which seemed to have for its purpose the opening up of a mine as well as the exchange of merchandise, was about to set out from Kentucky for Santa Fé. He suggested that orders be given to prohibit or regulate this traffic, since, otherwise, others would follow the example and end by introducing contraband trade.³¹ It was later determined that the mine referred to was within the limits of the United States. But the attitude of the Mexican government was shown by the order to the political chief of New Mexico. He was advised that both the working of the mine and the trade were contrary to the law, and was instructed to enforce the regulations concerning the matter and to prevent the establishment of foreigners there until the final passage of the colonization law, which would formulate rules for their admission.³² The trade was, however, far too profitable to the residents and officials of New Mexico to be prohibited in accordance with the commands of an ineffective distant government. Therefore traders were rarely inconvenienced by anything more than a high duty, which they could easily afford to pay because of the prices which their goods brought. Their practical monopoly of trade³³ was a necessary outcome of the distance of New Mexico from Mexican ports of entrance or depots of exchange such as Vera Cruz or Mexico City.

Official Provision for a Caravan Road. Owing to the widespread rumors of the importance of the trade between Missouri and Santa Fé, Senator Thomas Hart Benton peti-

31. *La Diplomacia Mexicana*, II, 13-14. Torrens to Secretario de Relaciones Exteriores.

32. *Ibid.*, 17, 21. On April 20, 1825 instructions were sent to the custom house officials of Taos in regard to the procedure to be followed when traders reached this northern outpost. There seems to have been no hostile intent in the regulations, but care was to be taken to prevent any attempt to smuggle in contraband goods or sell without a license. (*Ms.* in Archives of New Mexico, folio 75.)

33. An incomplete record (*Ritch Papers*, I, 81) compiled in Santa Fé in 1825 names fifty-two Americans who were then engaged in trade there.

tioned the Senate of the United States, in December, 1824, on behalf of the inhabitants of Missouri, that facilities be given by the United States "to draw from the bosom of the wilderness an immense wealth which now must be left to grow and perish where it grows, or be gathered by the citizens of some other government to the great loss of Missouri."³⁴ Mr. Benton spoke of the value of the trade, not only because of the articles carried out, but because of the silver, fur, and mules which it brought back. Protection for this trade was sought "and in the form which the character of the trade required—a right of way through the countries of the tribes between Missouri and New Mexico, a road marked out, and security in traveling it, stipulations for good behavior from the Indians and a consular establishment in the provinces to be traded with."³⁵ After slight discussion the bill was passed. This authorized the President to appoint commissioners to mark out a road from the western frontier of Missouri to the boundary line of the United States in the direction of Santa Fé. It was provided that the consent of the intervening tribes to the marking of the line be obtained, as well as their promise not to molest the citizens of the United States or of Mexico traveling thereon; and that upon the mutual arrangements between the United States and Mexico, the road would be continued to the boundaries of New Mexico. Ten thousand dollars were appropriated for the marking of the road and \$20,000 to defray the expenses of dealing with the Indians.³⁶

These measures were carefully noted by Obregon, the minister from Mexico, who in his official report of March 30, 1825, stated that much attention was being given to the commerce from Missouri and that consuls had been appointed to go to Santa Fé, Chihuahua, and Saltillo to protect the interests of the traders. Since no salaries were affixed to these positions, and the incumbents were to be allowed to

34. *Nile's Register*, XXVI, 253. What other government he referred to, Benton did not state.

35. Benton, T. H., *Thirty Years' View*, II, 41-44.

36. *Register of Debates*, 18 Cong., 2 Sess., Appendix, 102.

engage in trade, it seemed almost certain, he said, that they would resort to illegal commerce. He suggested that a Mexican consul be established at St. Louis to watch the trade and prevent the violation of the recently formed colonization laws.³⁷ These suggestions were acted upon, and the Mexican government approved the establishment of a consul at St. Louis.

As a result, doubtless, of the warning given by Obregon, the government requested of the governor of Chihuahua a report in regard to the northeastern frontier. In a reply, dated May 13, 1825, Governor Urguidi gave a lengthy description of the region, but remarked that the Anglo-Americans knew the true character of the country better than his own countrymen did. He stated that encouragement was being given by the United States government to settlement therein, and that the effort to open commerce with Mexico was merely a means by which such settlements might be fostered. Because of the low price at which the foreigners could afford to sell their goods, since the former commercial restrictions were relaxed, they were welcomed by the New Mexicans. He suggested that an effort be made to preserve harmony with the United States, but that no advantages be granted which would interfere with the interests of Mexico. His recommendation that the military forces be increased for the purpose of protecting the frontiers and thus fostering colonization by Mexico on the Mexican side, was acted upon, and troops were ordered to Chihuahua and New Mexico.

In 1825, Poinsett, our first minister to Mexico, presented his credentials to the Mexican government. His instructions of prime importance had been in regard to the establishment of a treaty of commerce and of boundaries. A copy of the Act of Congress providing for the road to Santa Fé had been given to him and he was commissioned

37. The account herein of the diplomatic relations in regard to the Santa Fé trade is based almost wholly on the able treatment of this subject by W. R. Manning in *Early Diplomatic Relations between the United States and Mexico*, 166-189. He cites as his authority, manuscripts in the *Archivo de Relaciones Exteriores*, Mexico, copies of which are in the Bolton Collection; and documents in the Dept. of State, Washington, D. C., together with other manuscripts of undoubted authenticity.

to explain that the purpose and spirit actuating the United States in this matter were friendly, and merely an attempt to develop commerce between the two countries. It was assumed that Mexico would lend her assistance to the project by bearing the expense of the construction of the road within Mexican territory.

One month after Poinsett presented his note in regard to this matter, a reply was received from Alaman stating that the question referred to could scarcely be considered apart from the more important general matter of boundaries and commerce. He gave assurance, however, that the Mexican government was convinced that the road would be advantageous to both countries, and would do its part to make the plan a success after the main questions had been disposed of.

Further efforts to hasten the settlement of the joint enterprise were unavailing, and Poinsett remained silent on the matter for a few months.

Although the central government thus failed to give any active support to the movement which seemed to jeopardize its hold on the northern frontier, the officials of New Mexico considered it of vital interest. In 1825, Escudero, a member of the legislature of the state of Chihuahua, traveling from Chihuahua to the United States, passed through Santa Fé. Here, Baca, the political chief of New Mexico, authorized him to negotiate with the United States some means of checking robberies and murders by Indians along the border. On reaching St. Louis he addressed himself to William Clark, the Superintendent of Indian affairs. The latter expressed the desire of the United States to see order established on the border but stated that he had no authority to treat with Escudero. Although Escudero attempted to negotiate with Washington, nothing definite resulted save a demand on the part of Mexico for an explanation of such an assumption of power by an inferior.

In the meantime, the commissioners appointed to mark the road began their work on June 17, 1825 at Fort Osage

on the Missouri River. By September 11, it was completed to the Arkansas, a distance of four hundred and sixteen miles. At the Mexican boundary the surveyors, according to instructions, awaited authorization from Mexico to continue the work. It was hoped that final arrangements with Mexico would have been completed by the time they reached that point; but since no instructions were received there, most of the party returned to Missouri, while Sibley, who was in charge, and a few others went on to Santa Fé. From there Sibley wrote to Poinsett, explaining what had been accomplished; showed at what slight expense and with what ease the road could be completed and of what advantage it would be to the traders of both nations.

After considerable correspondence between Poinsett and the Mexican Secretary of Foreign Relations, the Governor of New Mexico, Narbona, was authorized, May 13, 1826, to permit Sibley to continue his task of surveying the western end of the road. But the work was to be limited to the survey alone. No trees were to be cut down or marks erected along the route. Notwithstanding the restrictions, which were faithfully observed, the road was surveyed from Santa Fé to connect with the terminal of the road marked the previous year. "It struck the Arkansas near Plum Buttes and followed it up to Chouteau Island; thence south to the Cimarron eighty-seven miles; thence to Rabbit Ear Creek, and continuing westward entered the mountains near the source of the Ocate River terminating at Taos."³⁸

Little use was made of the road by the traders, however, who preferred to run the risk of possible death from thirst or Indian attacks on the old and shorter route than to travel with security on the new but longer one.

38. Bancroft, H. H., *Arizona and New Mexico*, 334; *Eighteenth Biennial Report of Board of Directors of the Kansas State Historical Society*, 107-125. The field notes of Joseph G. Brown, the engineer of the expedition give a detailed description of the road surveyed. Here it is made clear that the terminus was San Fernando de Taos. This record was published for the first time in 1913 by the Kansas State Historical Society. See also Ritch I, 90 and R. I., 91 for incidents connected with the survey.

Intercourse With California and Chihuahua. The Missouri-Santa Fé trade accelerated the movement of the authorities of New Mexico toward California. In 1829-30 an expedition for the purpose of obtaining the fine mules of California for use in the trade was led by Antonio Armijo. At practically the same time a similar enterprise was undertaken by Ewing Young of Tennessee. Thus was begun a profitable trade between New Mexico and California. The caravans exchanged the woolen fabrics of New Mexico for mules, as well as for silk and other Chinese goods. A profitable trade was likewise developed with Chihuahua and other southern points.³⁹

In the trade with Santa Fé the Americans had practically no competitors. This was not true in Chihuahua. Manuel Alvarez, United States Consul at Santa Fé, in a communication to Congress endeavored to obtain privileges which would enable the overland traders to undersell their rivals. In 1842 he wrote:

The undersigned would represent to Your Honorable bodies that when in the year 1822, the inland trade between Missouri and Santa Fé commenced, it was merely an experiment by some three or four enterprising individuals, who with a few pack animals and a small amount of American goods, sought to open a new market in that quarter.

The success of the first adventurers induced others of more extended means to embark in the trade which continued steadily for several years to augment in magnitude and importance, till eventually a heavy amount of capital was invested in it; great quantities of goods were exported from Missouri into Santa Fé, and thence forwarded to Chihuahua capital of the state of that name.

In the course of time it was ascertained by the western merchants that although they could profitably dispose of the American cotton goods, yet in regard to those of English or French manufacture

39. Warner, J. J., *Jedediah Smith and Early California Trappers*; "Itineraire du Nord-Mexico a la Haute Californie parcourie en 1829 et 1830 par soixante Mexicains" in *Bulletin de la Societe de Geographie*, 1835.

they were unable to compete either with the coast merchants who imported such articles directly from their respective countries, or those who brought to the various Mexican sea ports the same class of goods from the United States with the benefit of the debenture laws. Both these parties were enabled in consequence of the less cost of introducing such goods, to undersell and thus drive out of the market those brought by the overland traders from Missouri.

Now the experience of several years has demonstrated, that to send to the market of Chihuahua American goods alone would be to court inevitable loss, both by reason of their bulk and the heavy import duties levied on such goods by the Mexican Government.

To this circumstance in the first place we ascribe the recent rapid declension of the inland trade between Chihuahua and Missouri through Santa Fé, and to the same conjointly with other causes (a statement of which has been submitted to the Executive of the United States) we also attribute the present almost total extinction of the American commerce with Santa Fé itself, in consequence of which the wealthiest and most influential merchants are fast withdrawing from the field.

Repeated applications have been made to Congress at intervals during the last ten years, soliciting that the foreign goods transported in their original packages overland to Santa Fé by our merchants, might enjoy the benefit of debenture, which would place them on an equal footing with those carrying on the trade by sea; but hitherto the applications have been wholly unsuccessful.

The undersigned feeling deeply interested in the prosperity of a traffic, which conjointly with the American residents engaged in it, he has followed and promoted for the last eighteen years, begs leave respectfully to offer for your consideration, the following, as some of the advantages that would result to American interests should the request for our enjoyment of Drawback upon the goods referred to be granted by Congress.

In the first place the inhabitants of the West and particularly those of Missouri by the convenience of a comparatively secure natural road through one of the healthiest regions in the world namely the prairie between Independence and Santa Fé, would command nearly the whole of that portion of the commerce with Chihuahua, which is at present enjoyed by France and England through the seaports of Mexico.

Secondly, within a short time, the whole trade in foreign articles by the State of Chihuahua with the larger portion of that of Durango and Sonora, would be diverted from its present channels and carried on with the United States through Santa Fé; a circumstance which could not fail of producing the most beneficial results to the inhabitants of the West.

The undersigned would state that he has ascertained from the most satisfactory sources that the quantity of foreign goods consumed annually in the State of Chihuahua alone, amounts already to more than \$2,000,000 and the demand is steadily increasing. All the profits on so large an amount, now received by foreigners, will, if the desired equality of footing be granted to the inland traders, soon find its way into the hands of the enterprising population of our Western Borders.

Thirdly, it is evident that not only those immediately engaged in the transportation of such goods would be benefited by such a course, but by the increased demand for American goods that would naturally follow, all classes in the Union would participate in their advantages; from the manufacturing districts to the last place in West Missouri where the outfits of the caravans are completed.

Fourthly, it cannot be doubted that a more extensive intercourse between the inhabitants of Missouri and those of the neighboring states of Santa Fé and Chihuahua, would tend greatly to strengthen those feelings of mutual amity and confidence which from their relative geographical position and the intimate connection of their interests it is for the welfare of all parties to cultivate.

Another advantage that would accrue from the more frequent travelling of our Caravans to and fro over the plains inhabited by huge tribes of roving and warlike Indians would be the rendering these familiar with and friendly to the white man and thereby paving the way for and greatly facilitating any operations which the Government of the United States might hereafter have occasion to carry on in that region.

Submitting the preceding suggestions, the undersigned in behalf of the American merchants who have solicited him to represent their situation to Congress, respectfully petitions the Honorable Senate and House of Representatives to take into consideration the expediency of granting them the same privileges of Debenture upon foreign goods exported overland from Missouri to Santa Fé in their original packages, which are enjoyed by those who reship similar goods at the sea ports of the U. S. for exportation to those of Mexico.⁴⁰

The Fur Traders. While the merchants were making their fortunes and acquainting the people of New Mexico with their neighbors on the east, other no less adventurous spirits were penetrating into the remotest corners of the region in their search for fur-bearing animals, particularly the beaver. Their work is not generally so well known as is that of the caravan traders. They have left us few authentic records, for they were well aware of the contraband nature of their work.⁴¹ Among those best known in this field are Ceran St. Vrain, the Patties and Robidoux, although some of the other well known caravan merchants also engaged in fur-trading.

In 1826, Narbona issued a passport to S. W. Williams and Seran Sambrano⁴² and thirty-five men with their serv-

40. Manuel Alvarez to Senate and House of Representatives, February 1842. (B. M. Read Collection). Although this communication evidently exaggerates the falling off of trade in the later years it gives a good idea of the activities and influence of the leading merchants. The petition was not granted.

41. This account of the fur traders is based on an article in *The Pacific Ocean in History*, "St. Vrain's Expedition to the Gila in 1826," 429-438, by T. M. Marshall, who consulted the written reports of Mexican officials, transcripts of which are in the Bolton Collection.

42. Ceran St. Vrain, (Marshall).

ants, to pass to Sonora for private trade. The party probably numbered one hundred in all. At Santa Fé, or more probably at Taos, the expedition was divided into four parts for convenience in trapping on the various streams.

An amusing complaint was evoked by this influx of Americans. It will be recalled that a certain James Baird, with several companions, had attempted, about 1812, to develop intercourse between Missouri and Santa Fé and gained a prison home for nine years for their efforts.⁴³ Baird, on his release, evidently became a Mexican citizen engaged in the fur trade. His zeal for his adopted country and incidentally for his own business interests is truly remarkable. In 1826, he wrote the following protest:

For fourteen years I have resided in the provinces, wherein, according to the Plan of Yguala, I entered upon the enjoyment of the rights of Mexican citizenship, devoting myself for some time to beaver hunting, in which occupation I invested my small means with the purpose of forming a methodical expedition which might bring profit to me and to those fellow citizens, who would necessarily accompany me in the said expedition. I was moved to this project by the protection offered by the laws to Mexican citizens in the employment of their faculties to their own advantage and which excluded by special decrees all foreigners from trapping and hunting, which they might undertake in the rivers and woods of the federation, especially that of beaver, since it is the most precious product which this territory produces. And although it is known to me that for a year and a half past, they have clandestinely extracted a large quantity of peltry exceeding \$100,000 in value, I have kept still, knowing that this exploration had been made by small parties; but now, being ready to set out upon the expedition of which I have just spoken, I have learned that with scandal and contempt for the Mexican nation a hundred-off Anglo-Americans have introduced themselves in a body to hunt beaver in the possessions of this state

43. See p. 8.

and that of Sonora to which the Rio Gila belongs, and with such arrogance and haughtiness that they have openly said that in spite of the Mexicans they will hunt beaver wherever they please; to protect their expedition, they are carrying powder and balls, in consequence of which no one is able to restrain them. In view of these circumstances, I believe that it is a bounden duty of every citizen, who has the honor to belong to the great Mexican nation, to make known to his superior government the extraordinary conduct which the foreigners observe in our possessions, which transgressions may be harmful, both on account of the insult which they cast upon the nation by despising our laws and decrees as well as through the damage which they do the said nation by the extinction which inevitably will follow of a product so useful and so valuable. I ought to protest, as I do, that in making this report, I am not moved so much by personal interest as by the honor and general welfare of the nation to which I have heartily joined. In view of the foregoing, I beg that Your Excellency may make such provisions as you may deem proper, to the end that the national laws may be respected and that foreigners may be confined to the limits which the same laws permit them and that we Mexicans may peacefully profit by the goods with which the merciful God has been pleased to enrich our soil. . . .⁴⁴

Immediate investigations were ordered, but even before Baird had made his complaint, Narbona had become anxious about the permits which he had granted and tried to make it appear to his home government that he had granted passports, not trading privileges. He was alarmed at the number of foreigners in the country and wrote to the governor of Chihuahua that his forces were inadequate to patrol the frontier.

A report from Don Rafael Sarracino, who had been in New Mexico in 1827, gives us a clear idea of the extent to

44. *Archivo de Gobernacion (Mexico), Comercio Expediente*, 44, in Bolton Collection. Cited by Marshall, *op. cit.*, 434-5.

which this sort of enterprise had developed. He wrote:

The Anglo-Americans, well provided with arms and instruments for hunting, particularly for beaver, are purchasing of the inhabitants of Santa Fé the license which they, in their name, obtain from the judge of that capital, for making a hunt for a certain length of time and in certain places, which the same judge designates for many leagues distance in the mountains and deserts which the Rio Bravo (Rio Grande) washes; with the subterfuge of the license, the Anglo-Americans are attacking the species without limit or consideration and are getting alarming quantities, frequently without paying even an eighth of the customs to the treasury.⁴⁵

In April, 1827, the Mexican Secretary of State for Foreign Relations entered a protest with Poinsett against the conduct of the traders who were violating the commercial laws. Poinsett expressed regret and promised that he would submit the request for redress of grievance to Washington.⁴⁶

Government Protection of the Merchants. Although the caravan trade increased enormously during the next years, there were frequent Indian attacks on small bands of traders. This led to a renewal of demand for government protection. This was granted, and Major Riley was ordered to escort the caravan of June 1829 to the Arkansas with

45. Ygnacio Madrid to the Secretary of State and Foreign Relations, April 14, 1831, *Archivo de la Secretario de Gobernacion* (Mexico), *Jefes Politicos*, p. 1831-1833. *Expedientes*, I, Leg. 59, ff. 28, in Bolton Collection as cited by Marshall, 437. "The Alcalde succeeded in getting twenty-nine tercios (tierces) of very valuable beaver skins which were forfeited in the course of that summer in the storehouses of the deputy commissioner of the territory . . ."

46. Marshall states that he found no evidence to show that the United States took any action to restrain the traders. On the contrary, in July, 1827, William Clark granted permission to thirty-two men to pass through the Indian country to Mexico (Ms. in Huntington Library, Ritch, I, 95). Eighty-four foreigners were reported to have come into New Mexico in July 1827 (Ritch I, 96) and nineteen others passed through Taos in November of the same year. (Ritch, I, 97). An examination of the records kept by the officials of the foreigners in New Mexico proves beyond a doubt the watchfulness of the government in this matter. These records are to be found in the Archives of New Mexico, the files of the Historical Society of New Mexico, and in the Ritch Collection in the Huntington Library.

four companies from Fort Leavenworth. Since it was found that the most dangerous part of the journey lay just beyond the Arkansas, the boundary between the United States and Mexico, Riley and his troops accompanied the traders a short distance within Mexican territory. The troops remained at Chouteau Island until October 13, when they took the place of the New Mexican troops who were escorting to that point the caravan returning from Santa Fé.⁴⁷ In 1831, Butler, who had replaced Poinsett as our minister to Mexico, was instructed by Van Buren, Secretary of State, to use his influence to have Mexico officially co-operate in the military protection of the trade. The fact that the treaty of commerce was considered by Mexico as inseparably united with the treaty of limits then under consideration, delayed the final ratification until 1832.⁴⁸

The 32nd article of the Treaty of Commerce, as finally agreed upon was as follows:

For the purpose of regulating the interior commerce between the frontier territories of both Republics, it is agreed that the executive of each shall have power, by mutual agreements, of determining on the route and establishing the roads by which such commerce shall be conducted; and in all cases where the caravans employed in such commerce shall be conducted; and in all cases where the caravans employed in such commerce may require convoy and protection by military escort, the supreme Executive of each nation, shall, by mutual agreement, in like manner, fix on the period of departure of such caravans, and the point at which the military escort of the two nations shall be exchanged. And it is further agreed that until the regulations for governing this interior commerce between the two nations shall be established that the commercial intercourse between the state of Missouri, of the United States, and New Mexico in the United Mexican States shall be conducted as

47. *American State Papers, Military Affairs*, IV, 277-280.

48. The lengthy correspondence in regard to this question is given in the *Register of Debates*, XIV, App. 136-142.

heretofore, each government affording the necessary protection to the citizens of the other.⁴⁹

The report that assistance was being given to the trade aroused much criticism in the United States on the part of those who felt that the federal government was overstepping its authority and showing favoritism to one branch of industry.⁵⁰ Because of this opposition, similar military protection was not afforded the next year by the government; and was only repeated on special occasions, as in 1834, when Captain Wharton's dragoons were detailed for the service, and in 1843 when a formidable army under Captain Cooke escorted two large caravans past the principal points of danger.⁵¹

Prohibitive Decree of Santa Ana: Its Repeal. Indian attacks were checked by the treaties with the tribes. But on the other hand, bandits from Texas were making frequent raids upon the traders, especially the New Mexicans, who by this time, were engaged in the commerce in large numbers. These attacks aroused in Mexico, as well as New Mexico, violent opposition to the citizens of the United States. Nor was this animosity allayed by proof being shown that the perpetrators of the outrages were in no way subject to the laws of the United States, and, at times, attacked Americans as well as Mexicans; and that United States soldiers were employed in efforts to capture them. It was definitely ascertained that Americans continued to enter New Mexico without passports and were bringing firearms to the Indians.⁵² In 1840, the Governor, Armijo, reported to his government that those who accompanied the annual caravan came for the purpose of spying. He asserted that they would be justified in reporting that no

49. *Tratado de Amistad, Comercio y Navegacion entre los Estados Mexicanos y los Estados Unidos de America.*

50. *Niles' Register*, XXXVII, 274.

51. Documents in the Archives of New Mexico reveal the frequency of Indian attacks on the frontier settlements of New Mexico during these years.

52. Armijo to Minister of War, 1837. In the Bolton Transcripts.

effective opposition could be offered to any foreign attack since the military force was ridiculously small.⁵³

Although the organized attempt of Texas to gain the allegiance of the New Mexicans was a dismal failure,⁵⁴ it had a baneful effect on the commerce between the United States and New Mexico as well as on the treatment accorded to Americans residing in New Mexico. The following letter addressed to the Secretary of State, Daniel Webster, reveals the degree of hostility developed.

Sir

In a moment of extreme excitement and danger *We* a few isolated American citizens together with a few others, citizens of other nations, feel it our duty to apprise the Government of the United States of the circumstances by which we are surrounded and oppressed here at this moment.

It has been ascertained here that an invading expedition of about three hundred and twenty-five men from Texas is approaching this territory; the inhabitants of which in unison with the principle officers of the Government have become so exasperated against all the foreigners here that we consider our lives and properties in imminent danger; and it is our fear that long ere this shall have reached Washington we shall all have been robbed and probably murdered.

This morning the Governor left here with his troops for the purpose of repelling those invaders; immediately after he left the principle plaza or square of the town one of his officers (apparently to us his principle and next in command to himself who is also his nephew and confidant) returned rode up to the door of Mr. Manuel Alvarez Consul of the United States at this place; and with the assistance of several of his soldiers and a crowd of the populace entered the house of the Consul, whom they grossly insulted personally abused and wounded in the face, however on the interposition of some of the better disposed of the Mexican citizens the riot was appeased; but previous to this

53. *Ibid.*, Feb. 4, 1840.

54. See below, Chapter VII.

... he stated in the publick street and in the hearing of a large multitude of the Citizens that after having vanquished these Texians he would return and destroy all us foreigners.

This conduct together with innumerable insults injustices and unlawful oppressions, to which we are daily subjected proves clearly to us the inveterate feeling that this Governor with many of his citizens have towards us.

Had there ever occurred any dispute between this officer and our Consul we might have supposed that this attack was made on the latter to gratify personal revenge, but as nothing of this kind had ever occurred we are forced to the conclusion that it was only the outbreaking in one person of the evil spirit which exists in the bosoms of the Principle authorities, and also in those of a large majority of the citizens towards us foreigners who are here.

We therefore hope that by making this circumstance known to our Government it will adopt of such measures as will prevent a recurrence of such injuries to its citizens.⁵⁵

Thus was generated much ill feeling, and the relations between the Americans and authorities of New Mexico were becoming more and more strained until, finally, President Santa Ana closed the Northern ports to foreign commerce and imposed restrictions on all retail trade by a decree signed at his palace of Tacubaya, August 7, 1843.⁵⁶

On January 25, 1844, Almonte reported to the Mexican Government that, according to an article in the *National Intelligencer*, there was great discontent in Santa Fé on account of the closing of the ports; and that there was reason to fear that this might encourage the sentiment in favor of annexation to Texas. He suggested that the traffic be regulated rather than prohibited.⁵⁷ So great was the opposition to the proposed forcible termination of the

55. To Daniel Webster, Secretary of State, Sept. 16, 1841. Signed by thirteen American residents in Santa Fe. (Doc. in B. M. Read Collection.)

56. Gregg, J., *Commerce of the Prairies*, II, 177; *Ho. Ex. Doc. 2*, 28 Cong. 1 Sess.

57. *Almonte to Ministro de Relaciones Exteriores y Gobernacion*, January 25, 1844. In Bolton Collection.

traffic, that the decree was repealed on March 31, 1844, almost before it had gone into effect. Although the selling price had decreased, and, therefore, the profits lessened, the trade of the next years was as great as ever.⁵⁸

From its inception the Santa Fe trade had been of great value to Missouri. Young men, of whose numbers we can only conjecture since no two accounts agree, sought fortune and opportunity in the apparently high remunerative business. There can be no doubt about the influence this widely known trade had in filling out the new frontier. Fearing that the commerce would be deflected from the original points of departure, attempts were made to minimize the value of the profits in the reports which appeared in the press.

As early as 1824, a resident of Franklin, Missouri, did his part to keep the trade in the hands of those then engaged therein. He reported: "This trade is done, as all will inform you." The editor of the paper, *The Missouri Intelligencer*, in which this appeared, when called to task for allowing such a contribution to be published replied:

Our own citizens were the first to explore the route and find the market, and in our opinion, ought to reap the advantages resulting from the discovery. We have generally stated plain matters of fact, in regard to this trade, abstaining from all unnecessary embellishments or exaggeration, which could only have a tendency to attract the attention of other states, and induce large bodies to engage in it, to the injury of our own citizens and to the annihilation of the commerce itself by glutting the market. Already has a large party left Tennessee, and another from Alabama, (the latter taking \$80,000 worth of merchandize) and but a few days since, a gentleman from Boston, an agent

58. Bancroft, H. H. *Arizona and New Mexico*, 337. A good account of the trading conditions during the later Mexican period is given in the *Memoirs of James J. Webb* in the papers of the Historical Society of New Mexico. One itemized list of articles brought in by one trader is but a type of dozens of a similar nature to be found in the Archives of New Mexico and the Ritch Collection of the Huntington Library. See Ritch I, 226.

of an extensive commercial concern, passed through this place on his way to New Mexico, for the purpose of ascertaining the real situation of the Market, and if favorable to engage in the business extensively. *That country cannot support the trade to the extent it is now carried on.* Missouri alone can supply that country with twice the amount of goods it has the means to purchase. Our position enables us to carry on the traffic to greater advantage than any other state in the Union.⁵⁹

Of the various articles brought back to Missouri, the most important was specie. Money was scarce on the frontier to the great detriment of business development. "Opening an avenue to Mexico by which specie can be procured in exchange for American productions, is, therefore, an object of much and just importance."⁶⁰ Although the Mexican coinage in circulation had no legal status, Congress interested itself in the question, between 1830 and 1834, and a number of bills were introduced which had as objects making foreign coin, or at least Mexican silver dollars, legal tender. In 1834, a law provided that the dollars of the Spanish-American countries were legal tender "provided they were of certain fineness and weighed not less than 415 grains (gross weight)."⁶¹ The soundness of the bank of Missouri is attributed to the backing given it by the Santa Fé traders for whom it served as a place of deposit on their return from New Mexico.⁶²

It was futile to expect that such success would not arouse the active interest of those who saw a way to utilize the trade for their own ends. In February 1845, and again in March of the same year, Thomas D. Hailes, who claims

59. *Mo. Inte.*, June 18, 1825, as cited in F. F. Stephens, "Missouri and the Santa Fe Trade" in *The Missouri Historical Review*, XI, 301-2. The excellent articles by this author which appeared in Vols. X and XI of the *Review* give an exhaustive study of the influence of the trade on Missouri. For the places of origin of thirty-four foreigners recorded as residing in New Mexico in 1839 see Ritch I, 174.

60. *Ibid.*, 305.

61. *Ibid.*, 307-9.

62. *Ibid.*, 311.

to have been British vice consul at New Orleans for many years, addressing himself to Luis G. Cuevas, the Mexican Minister of Foreign Relations, offered his services as Mexican consul at Independence, Missouri, for the States of Indiana, Illinois and Missouri. He represented that the revenue derived by Mexico from the overland trade was unwarrantably small, due to the fact that there was no Mexican Consular Agent at Independence, the point of departure of the trade, with resulting fraudulence on the part of the traders; and to the custom of imposing a fixed tax on each wagon load without regard to its value. It is easy to believe his statement that: "Dues are, in different ways, evaded, and a vastly lucrative revenue comparatively withheld. You may imagine something of the rest by my instancing the practice of the Traders, of making one load of two, by doubling teams, on the eve of reaching the place of destination." Some of the statements in his communication give an insight into the actual conditions. In suggesting that a definite tax per yard be levied on cloth, he asserts:

A wagon load of 5,000 pounds (their average weight) is equal to 24,000 square yards, which at five cents would yield a Duty of twelve hundred dollars—being twice the sum now exacted. The trade warrants that rate of Duty, from the fact that the cost in the United States is about 9 to 12½ cents per yard, and sells in Mexico at Durango at 31¼ to 50 cents cash. Calico, I consider, could afford to pay 7 cents per yard Duty, and fine goods of all denominations, 15 per cent, on the value at the place of destination . . . The service of the appointment to watch over the interests of Mexican Trade in that extensive region filled with citizens of enterprising commercial character is obvious.

He estimated the revenue which would accrue to Mexico rather high, for in urging his petition, he declared: ". . . I firmly believe I should experience disappointment did it not produce \$50,000 to the Treasury and it would prove a remarkable affair indeed if the issue were not more bene-

ficial.”⁶³ There is no evidence available that this petition was granted. The entire tone of the letter would lead one to doubt the sincerity or trustworthiness of the writer, and the Mexican officials would scarcely appoint a non-Mexican to such an important post as late as 1845 when relations between Mexico and the United States were becoming so strained. Rather, Mexico watched with increasing uneasiness the gradual assumption of power or influence by the foreigners who remained permanently on its soil.

Trapper and trader had beaten out the path between the western American frontier and the northern Mexican outpost, Santa Fé.⁶⁴ From its inception at the opening of the nineteenth century, the commercial intercourse between the two regions had steadily gained in magnitude until enormous interests were vested therein. The mistrust bred of lack of mutual understanding had been largely destroyed, but as the Mexican government had feared, the violation of the Spanish trade restrictions greatly facilitated the American military conquest of New Mexico.

63. *Relaciones Exteriores, Mexico, D. F. Comercio, 1825-1849*, in *Bolton Collection*.

64. An interesting popular account of the Santa Fé trade and related topics is to be found in Ruffus, R. L., *The Santa Fé Trail*.

CHAPTER II

THE SETTLERS

The American traders were not long content to remain simply as passers-by in this land of opportunity. To many, New Mexico was sufficiently far west to satisfy their desire for "elbow room" and they made it their permanent home. The exclusive Mexican colonial laws which were abrogated only in 1842 by Santa Ana¹ while placing a difficulty in the way of obtaining land grants were not, apparently, an insuperable obstacle.

John Heath. In the absence of complete records, it is impossible to determine whether or not all these adventurous pioneers complied with the letter of the law and swore allegiance to Mexico. There is abundant evidence that many sought and obtained full naturalization.² In the second expedition under Becknell was a certain John Heath who as "Juan Gid" received a grant of land at the Bracito as early as 1823.³ and in 1831, George Pratt and William Hague, non-Mexicans surely, if names are an index, were able to lease land in Santa Fé.⁴

La Junta Tract. Scarcely less valuable was the grant given, in 1845, to Scolly, Gidding, Smith and others, who became Mexican citizens and were thereupon given title to the La Junta Tract, 108,507.64 acres in area, in Mora County. This was soon converted into flourishing farms.⁵

Bent's Fort. Among those who married into the old families were some who later played a prominent part in the history of their adopted country. Pre-eminent among

1. *Spanish Archives of New Mexico*, I, 275.

2. Record of the naturalization papers are to be found principally in the Ritch Collection, Huntington Library. Some are still in the Archives of New Mexico. One document (Ritch I, 113, 1-3) names thirty-nine persons to whom papers were given in 1829-31.

3. *Spanish Archives of New Mexico*, I, 124-5. The Court of Private Land Claims established in 1891 rejected the claim which had increased to 108,000 acres.

4. *Ibid.*, 270. In the Archives of New Mexico, Folio 72, Pratt is called a Frenchman.

5. *The Spanish Archives of New Mexico*, I, 276-8; *New Mexico Blue Book*, 129. John Scolly has the honor of having brought the first modern plows to New Mexico. There are other grants listed in the *Blue Book* which must have been to Americans.

these stands Charles Bent who was named first governor by Kearny after the conquest.⁶ A native of Virginia, after graduating from West Point he resigned from the army and engaged in business in St. Louis. In 1828, he set out on the Santa Fé Trail to look for a favorable place in which to establish a supply-store for the traders and a depot for the fur trade. With his brother William, only less famous than himself, and Ceran St. Vrain, he built the famous Bent's Fort.⁷ These were the first settlers in the vicinity of the trail in what is now Colorado.⁸

Wislizenus, after a visit to the fort, in 1839, says: "On Sept. 15th we reached Bent's Fort. It lies on the left bank of the Arkansas, close by the river, and is the finest and largest fort which we have seen on this journey . . . The fort is about one hundred and fifty miles from Taos in Mexico and about three hundred from Santa Fé. Little expeditions go frequently to the former city to barter for flour, bread, beans, sugar, etc. Then, too, much merchandize is annually transported by ox teams to this point from the boundary of Missouri which is only six hundred miles distant."⁹

It was not only a center for commercial activities but also the favorite rendezvous for any Americans who happened to be in the vicinity. It was there they would hear the latest news from "the States." This assembling of foreigners on the immediate frontier was viewed with apprehension by the officials of New Mexico. In 1840, Governor Armijo reported:

Many years' experience has shown me that the dangers from which the Department suffers result from the various fortresses which North Americans have placed very near this Department, the

6. Letter of introduction of C. Bent by B. Riley of U. S. Army to Governor of Santa Fé, July 10, 1820. Ritch I, 331.

7. Twitchell, R. E., *Leading Facts of New Mexican History*, II, 234.

8. Benton, B., "The Taos Rebellion" in *Old Santa Fe*, I, 207.

9. Wislizenus, F. A., *A Journey to the Rocky Mountains*, 141. A restoration of Bent's Fort is to be seen in the rooms of the Historical Society of New Mexico, Santa Fé.

nearest of which is that of Charles Bent on the Napestle (Arkansas) River on the farther bank. Be kind enough to acquaint the President that if he does not soon remedy this, New Mexico must go to total ruin.

These forts are the protection of contraband trade by their contact with the first populated frontier by this Department, San Fernando de Taos, where the people are familiar with these strangers. These are the very ones who supply arms and ammunition to most of the barbarous tribes. These are the protection of robbers, either foreigners or Mexicans. These are the ones who dispose all the barbarian nations to rob and kill the Mexicans either in this Department or other Departments of the interior in order that they may profit by the spoils.¹⁰

Meanwhile the Fort was daily increasing in popularity and importance. After great success in the first enterprise, the firm set up a general merchandise business in Santa Fé, which was even more prosperous than the first.¹¹

Taos was of more strategic importance to commerce than even Santa Fé. Charles Bent was the most influential person there during many years. His correspondence with Manuel Alvarez, United States Consul at Santa Fé, kept the latter informed of every movement of interest which occurred in the northern outpost. He seems to have made himself responsible for the protection of American lives and property on the frontier and apparently had little respect for legal procedure. In one place he asserts:

"I think the Governor is not a man entirely destitute of honorable feelings he well knows there

10. Armijo to Secretary of War, Feb. 4, 1840, in the *Bolton Transcripts*. Since this was but one of the many communications designed to inspire in the central government some realization of the exposed state in which New Mexico was at the time, and the consequent ease with which a small foreign force could conquer it, one hesitates to accept unquestioningly all the statements of the hostile governor. But there is grave reason to believe that not all those who found hospitality at Bent's Fort would rally to the defense of Mexico in case of invasion.

11. Twitchell, R. E., *op. cit.*, II, 234. The Bent Letters in the Read Collection and the Alvarez Letters in the files of the Historical Society of New Mexico reveal clearly the influence Charles Bent had in New Mexico. His position was doubtless strengthened by his marriage to the prominent Maria Ignacia Jaramillo.

are cases that the satisfaction that the law gives amounts to nothing. I had rather have the satisfaction of whipping a man that has wronged me than to have him punished ten times by the law, the law to me for a personal offence is no satisfaction whatever, but cowarδες and women must take this satisfaction. I could possibly have had Vigil araned for trial for slander but what satisfaction would this have bean to me to have had him fined, and moreover I think he has nothing to pay the fine with. . . ."¹²

We are indebted to Charles Bent for the list of American citizens living in Taos in 1841.¹³

John Roland	Maried, naturlised	Distiller & farmer
William Gordon		Gun Smith & farmer
Francis Bedwell		Distiller
Antoine LeRoux	Maried, naturlised	farmer
George Long	Maried	Distiller
Edmon Conn	Carpenter & Distiller	Naturalized
Fredric Batcheler		Cooper
Simeon Turly		Distiller
Manel Le Fever	Maried	Laborer
Stephen L. Lee	Naturlised, Maried	Merchant
W. C. Moon		Cooper
John Reed	Maried	Distiller
James Jeffrey		Laborer
Fredric Loring	Naturlised	Taylor
William Workman	Naturlised	Merchant
Chas. Bobean	Do. maried	Do.
Chas. Bent	_____	_____
Antoine Le Doux	Maried	Farmer
Abram Le Doux	Maried	Farmer
Raffial Carifil		Hatter
Joseph Begou	Maried	Laborer
Pier Quennell	Maried	Laborer

The Canadians that are heare named are such as ware in the Territory of Missouri at the time the Transfer was made by France to the United States in the year 1803. They are considered Citizens of the U. S. C. Bent (C. Bent to M. Alvarez, *Ms.* in Historical Society of New Mexico Collection.)

These men were respected by those who became personally acquainted with them. Their services were invaluable to many. One who knew Charles Bent narrates :

12. C. Bent to M. Alvarez in *Read Collection*.

13. The following list was sent by C. Bent to Manuel Alvarez on January 30, 1841.

He was a noble man and a great business man—was considered the head of the firm of “Bent and St. Vrain,” his influence was considerable in New Mexico. I remember seeing him in Santa Fé on the arrival of Col. Sam Owen’s Train of merchandise wagons from Independence Mo. The duties levied by the Mexican Government at that time was \$600 on each wagon load of goods, and Col. Sam Owens, owner of ten large wagon loads of goods, put up in Bales, left his train in charge of old Nicholas Gentry, at the crossing of the river on the Cimaron route and with one or two other gentlemen going out to Mexico for a pleasure trip went by way of Fort Bent, and reached Santa Fe long before his train of wagons reached the first settlements of New Mexico, and there he made a settlement with the Customs House Officers and Mexican Authorities, through the influence of Charles Bent getting his ten Wagon loads of merchandise passed at a greatly reduced rate . . . It was said that little of the duties on American Food brought overland into New Mexico ever reached the General Government, on account of the laxity and mode of the officers in Santa Fé. A man of influence like Don Carlos Bent, as he was known by the Mexicans, could do much toward getting the exorbitant duties reduced on American merchandise.¹⁴

Of perhaps greater fame, if of less influence during the Mexican period, was one to whom Bent’s Fort was practically home. This was “Kit” Carson related by marriage to Charles Bent for he married Josefa Jaramillo, the sister of Charles Bent’s wife. While the name of Kit Carson means much in the history of the pioneers of New Mexico this region did not claim his entire attention. The whole southwest was familiar to him. He began his career as a trader in 1827. A contemporary describes him thus: “He was naturally a commander. Personally he was mild, rather effeminate voice, but when he spoke, his voice was one that would draw the attention of all . . . His language was forci-

14. Boggs, Thos., O., *Ms.*, Bancroft Library.

ble, slow, and pointed, using the fewest words possible . . . Everybody admired him . . . He had a special influence over Indians.¹⁵

The Robidoux Brothers. Antoine and Louis Robidoux of St. Louis were also early identified with the Santa Fé trade. They, too, established their homes in New Mexico, at Taos and at Santa Fe. Antoine married the adopted daughter of Governor Armijo. Sabin writing of the "Dramatis Personae" of the early day in New Mexico thus comments on Antonio Robidoux:

First fur trader out of old Taos, whose post in southwest Colorado was the pioneer American trading post beyond the Continental Divide of the Rockies; later with a post established at the forks of the Uintah River in northeastern Utah, Fort Uintah, captured and destroyed in 1844 by the Utes. One of New Mexico's earliest gold miners—setting the fashion by "sinking eight thousand dollars." Interpreter and guide with the Kearny overland column of 1846 to California, where his brother, Louis Robidoux, who had preceded him by two years was *alcalde* and *juez de paz* at San Bernardino; grievously wounded by a lance thrust at the battle of San Pasqual; granted a pension by Congress May 23, 1856; died at St. Joseph Missouri (former trading post of his second brother, Joseph), in 1860, aged 66. A "thin man" of the French Canadian type, active member of a family along the Missouri, in the Southwest and in California . . .¹⁶

Joab Houghton. Among the names which stand out prominently in the annals of the first years after the American conquest in 1846, that of Joab Houghton holds an important place. A native of New York State, he went to

15. Breevort, E., *The Santa Fe Trail*, (Ms.) 5. So much has been written about "Kit" Carson that it seems unnecessary to go into any further details here. His home and grave today, are tourist attractions in Taos.

16. Sabin, E. L., *Kit Carson Days*, 121. In 1829 the brothers Antoine and Louis sought and obtained naturalization papers. (Ritch I, 111 and 113. See also Ritch I, 116.) Their passport was secured in 1825 from Wm. Clark, Superintendent of Indian affairs. (Ritch I, 83).

New Mexico in 1844,¹⁷ and was appointed United States consul at Santa Fé, in 1845. He engaged in merchandising with a man by the name of Leitensdorfer, and from 1846 to 1848 their mercantile house, established in Santa Fé, had the reputation of being one of the leading west of the Missouri River. Mr. Houghton was named by Kearny as one of the judges of the supreme court established in New Mexico in 1846. His career in this position was not a success. He had been educated as a civil engineer. This, evidently, did not fit him for a judicial position.

Doubtless there were countless others who followed the example of these leaders of men, and to all intents and purposes, identified themselves with the people among whom they chose to dwell.

Beaubien Grant. But among all the enterprising "foreigners" perhaps the most successful was Carlos Beaubien, originally from Canada but who resided in the United States from 1812 to 1823.¹⁸ At the latter date he went to New Mexico and in time became a Mexican citizen. In 1841, he and Guadalupe Miranda, a prominent Mexican, filed a petition for a grant of land partly in Colorado in Las Animas County.

The petition requested a tract of land "commencing below the junction of the Rayado and Red rivers, from thence in a direct line to the east of the first hills, from thence following the course of the Red River in a northerly direction of Una de Gato with Red River; from thence following along said hills to the east of the Una Gato River to the summit of the table land (mesa) from whence, turning northwest, following said summit to the summit of the mountain which separates the waters of the rivers which run towards the east from those which run to the west, from thence following the summit of said mountain in a southerly

17. Ritch I, 223. In the Ms. his name is given as Juan Houghton.

18. Charles Hippolyte Trotier, Sieur de Beaubien was descended from a long line of noble ancestors. The family became well represented in America. Various members became prominent in affairs in this country and in Canada. Upon leaving Canada, Charles used the name Beaubien by which he was thereafter known. (*History of New Mexico*, I, 189).

direction to the first hill east of the Rayado River, from thence following along the brow of said hill to the place of beginning." ¹⁹

In requesting the grant, the petitioners made use of the usual declarations of unselfish and patriotic motives.

An old and true adage says that what is the business of all is the business of none; therefore, while the fertile lands in New Mexico, where without contradiction, nature has proven herself most generous, are not reduced to private property, where it will be improved, it will be of no benefit to the Department . . . The welfare of a nation consists in the possession of lands which produce all the necessaries of life without requiring those of other nations, and it cannot be denied that New Mexico possesses this great advantage, and only requires industrious hands to make it a happy residence . . . Under the above conviction we both request your excellency to be pleased to grant us a tract of land for the purpose of improving it, without injury to any third party, and raising sugar beets, which we believe will grow well and produce an abundant crop, and in time to establish manufactories of cotton and wool and raising stock of every description.

The petition was granted by Governor Armijo the following January. Immediately a claim was filed on the part of the chiefs of the Pueblo of Taos on the ground that the same district had already been given to them by Charles Bent. The title was therefore suspended by the then acting governor, Mariano Chavez.

The assertion of Beaubien and Miranda that the land described by the Taos claimants was not the same as that asked for in the petition "which does not exceed fifteen or eighteen leagues" finally prevailed and in 1844, Armijo, reappointed as governor, referred the question to the departmental assembly which was then in session. The decree of Chavez was reversed.

19. Twitchell, *Spanish Archives of New Mexico*, I, 62-3.

At first the vast estate of truly feudal dimensions was operated by Beaubien and Miranda in partnership. Miranda later sold his share to Beaubien, whose son-in-law, Lucien B. Maxwell, made the grant famous. In 1846, when Beaubien and Maxwell first met, the latter was already known far and wide for his lavish hospitality dispensed from his "mansion" on the Cimarron. His wealth consisted in flocks of sheep which thrived remarkably in the unnumbered acres over which they roamed unhindered. "At this time the whole region between 'El Pueblo' in Colorado, and Fernando de Taos in New Mexico was almost unknown, certainly unexplored; excepting those portions traversed by the few traders travelling between Santa Fé and the Missouri River. But every trader, every *major domo*, every teamster, every soldier, who passed over this part of the trail knew Maxwell and most of them were known to him by name."²⁰

Maxwell's home is described as being as much a palace as the circumstances and times permitted. "Some of its apartments were most sumptuously furnished, after the prevailing Mexican style, while others were devoid of all but table, chairs and cards for poker . . ." ²¹ Had a guest book been kept, the names of practically all those whose fame had gone abroad in the southwest would have been recorded. "Kit Carson, ex-governor Thomas Boggs, Richens (Uncle Dick) Wooten, Don Jesus Abreu, Colonel Ceran St. Vrain, and other men whose names are well known in the pioneer history of the Santa Fé trail, made his home a rendezvous for years."²²

Although it was not until 1864, on the death of his father-in-law, that Maxwell purchased the entire grant, he had associated himself so intimately with the veritable principality that it is under his name that the tract, which

20. *History of New Mexico*, 180. (Pacific States Publishing Co.)

21. *Idem.*

22. *Idem.*

ultimately came to embrace 1,714,000 acres, is best known.²³

The success of Beaubien and Miranda was an inspiration to others. In November 1845,²⁴ "the citizen Gervace Nolan and associates" made a most compelling request for a similar grant from Governor Armijo.

. . . I have found a piece of land, in the little canon of Red River, vacant, unpopulated, and uncultivated . . . being situated to the south of the possession of Messrs. Miranda and Beaubien, which in the name of our supreme powers of the Mexican nation, we solicit from the benignity of your excellency to be pleased to grant us the favor of giving us the possession of said land, marking out to us, as its boundaries, on the north, the possessions of said Messrs. Miranda and Beaubien; on the south, one league in a direct line, including the Sapello river, according to its current (cordillera); on the west, another league from Red river, and its current; and on the southeast, the little hills of Santa Clara, with their range to the little canon of Ocate. It is to be observed that a very small portion of said land is susceptible of cultivation; but what is more important, is to establish the raising of horned cattle, sheep, horses.²⁵

In order to prove that the petitioners were worthy of the grant, Nolan asserted that he had resided in the country for twenty-three years; had rendered service, either in campaigns or contributions, whenever called upon.²⁶ The request met with the approval of Armijo, who ordered the Justice of the Peace of Lo de Mora to put Nolan and his associates in possession.²⁷ In 1848, two of the original grantees, Juan Antonio Aragon and Antonio Maria Lucero,

23. In 1882 the United States filed a bill in chancery in the United States circuit court to cancel the patent. The suit was won by the Maxwell Co. For an account see Twitchell, *The Spanish Archives of New Mexico*, I, 51-65.

24. The document is dated 1825, which is very evidently a mistake.

25. *Ho. Ex. Doc.* 28, 36 Cong. 2 Sess., 8.

26. *Idem.* Nolan was naturalized in 1829 (Ritch I, 113. He was in Taos in 1827. R I, 97.)

27. The name of the Justice of the Peace, Thomas Benito Lalanda, indicates the gradual incorporation of the erstwhile traders in the population. It seems incredible that this does not point to connection with Bapiste La Lande already referred to.

surrendered their claims for an apparently trivial compensation to Nolan. He thus came into possession of an estate which eventually came to include 575,968 acres.²⁸

It is not surprising that a great deal of uncertainty existed regarding the legality of many of the grants made so prodigally. There were numerous changes in the Constitution of Mexico as well as in the acts of the Mexican Congress regarding land grants. Frequently such grants were issued by officials who did not have the legal authority to do so. Because of the length of time it necessarily took to inform frontier officials of the changes, these grants, doubtless, were made in perfect good faith, but when investigated could not be maintained. Moreover, these grants to both Mexicans and Americans were expressed in the vaguest terms. For instance, it is said, the assigned length was "from the old sheep corral of Jesus Maria Gonzales up the Creek to Monument rock." The width extended from the bed of the stream to the "faldas" of the mountains on either side. The ambiguity of the word "faldas" justified almost any interpretation.²⁹

Although the majority of those who obtained superb estates during the Mexican regime did not succeed in having their claims ratified by the United States, they enjoyed revenue and prestige during the years in which American influence was beginning to make itself felt. Gradually the "Foreigner" was becoming a fellow-countryman. It would

28. According to Mexican land laws only Mexican citizens could acquire ownership of land. In filing a request for confirmation of the title in 1860, according to the Act of Congress, 1854, which created the office of surveyor general for New Mexico and ordered the filing of all claims, Wheaton, the attorney for the heirs of Nolan, declared that the latter was a naturalized Mexican citizen but that his naturalization papers were destroyed in a fire in Marysville, California. (*Ibid.*, 16) The total claim was rejected by the Court of Private Land Claims.

29. *History of New Mexico*, I, 208-0. The famous Fossat or Quicksilver Mine Case in California involved a lengthy discussion of the meaning of the word *falda*. The opinion given was that ". . . evidence from poets, other dictionaries, and other prose writers tended to prove that if *falda* meant skirt, it meant the edge of the skirt its extremity as well as its higher folds." (II Wallace, 649-728).

not be long before he would be the leader in the new country.³⁰

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(To Be Continued)

30. By the Treaty of Guadalupe-Hidalgo, 1848, the United States agreed to recognize land claims which were duly authenticated. "Squatters," however, would see no difference between the already granted New Mexican land and the rest of the public domain. Endless litigation was the result. It was only settled by the tardy establishment of the Court of Private Land Claims, 1891, whose sole duty was to finally adjudicate between the conflicting claims. Numerous reports of the findings of this court are found in the various histories of New Mexico.

REPORT OF THE FINANCE COMMITTEE OF THE
GOVERNMENT OF NEW SPAIN, MARCH 28, 1692,
OFFICIALLY AUTHORIZING GOVERNOR VARGAS
TO RECONQUER NEW MEXICO

Edited by J. MANUEL ESPINOSA

On February 22, 1691, Don Diego de Vargas took possession of the government at El Paso as governor and captain-general of New Mexico. His principal concern was to reconquer New Mexico immediately and at his own expense, for as in the case of his predecessors since the Pueblo Indian Revolt of 1680, he had been selected to that office with special reference to the reconquest of the lost province. But starvation, costly Indian raids, forays against the Apaches, an unexpected expedition to assist in the Indian wars on the Janos frontier, insufficient soldiery, and general dependence upon the orders of the viceregal government at Mexico City, all helped to delay the proposed expedition until the following year. Finally, in the spring of 1692, Governor Vargas undertook the reconquest of New Mexico. Spain's title to the northern province was revalidated, and 2,214 Indians were baptized. The next year Vargas returned with a large colony to effect the permanent submission of the pueblos to Spanish authority, and to plant there the first Spanish settlements which were to prove permanent.

The document which is here translated is the report of the meeting of the Junta de Hacienda, or Finance Committee, of the government of New Spain officially authorizing Governor Vargas to reconquer New Mexico.¹ This authorization was necessary, for on September 13, 1689, that right had been granted by royal cédula to the adventurer Don Toribio de la Huerta. The Junta de Hacienda was the supreme body in viceregal matters, a miniature Council of the

1. *Junta de Hacienda*, Mexico City, May 28, 1692. (Archivo General de la Nación, Mexico City, *Historia*, tomo 37).

Indies, and was normally composed of twelve members, including the viceroy, its presiding officer: namely, the viceroy, governor, and captain-general of New Spain; two members of the royal audiencia; two alcaldes of the court of criminal law of Mexico City; three accountants of the royal tribunal of expenditures; two officials of the royal treasury of Mexico City; the accountant-general of tributes for New Spain; and the royal fiscal. The customary procedure upon receipt of provincial reports at the office of the viceroyalty of New Spain at that time was to first turn them over to the royal fiscal, who would examine them carefully and make a report to the Junta de Hacienda. The latter would read the suggestions of the royal fiscal, after which the records themselves were re-examined and final decision was made. When it was deemed expedient, military leaders were specially consulted. Where ultimate authority lay in the power of the King and the Council of the Indies, such questions were referred thereto by the Junta de Hacienda.

MEETING OF THE JUNTA DE HACIENDA,
MAY 28, 1692

The meeting of the Junta de Hacienda, which was called on May 28, 1692, by his most Excellent Sir the Count of Galve, viceroy of New Spain, and attended by the following gentlemen: the director Don Juan de Arechaga; the licentiate Don Francisco Fernández Marmolejo; the judges of the royal audiencia, Don Andrés Pardo de Lago and Don Matheo Fernández de Santa Cruz; the accountants of the royal treasury, Don Sebastian de Guzmán, Don Antonio de Deza y Ulloa, and Don José de Urrutia—the royal officials of this court.

At this meeting five letters written to his Excellency by Don Diego de Vargas Zapata Lujan, governor and captain-general of the provinces of New Mexico, dated March 30, and April 7, 9, and 17 of this year were seen. In the first one he reports his resolve to make the entry which he has under consideration for the conquest of the rebel nations of said province, which he has prepared to the extent that he will be ready to carry out his plan on July 12 of this year,

without any help being necessary other than the fifty soldiers which he has asked for. He makes assurances that with this help he takes upon his own responsibility the carrying out and fulfilment of that which he promises.

He explains in said letter and in the antecedent ones in this regard, the manner and the circumstances which, because of their importance and concerning such a serious matter, he placed under the consideration of his Excellency in order that he might decide which proposal under such circumstances necessitates most particular attention; and the means of succeeding in such a plan. That a similar decision may be made in regard to the *autos* made by virtue of the letter and order, which is at the head of them, with reference to the discovery and investigation of the Sierra Azul, where it is said that quicksilver is found, which threw additional light on the whole matter. Following these diligencias, because they are essential to them, were placed the two royal cédulas of September 4, of '83, and September 13, of '89. At the same time an account was made of their content, and they were read carefully. Their tenor, and that of said *autos*, gave to understand that which should be kept in mind in deciding upon said undertaking.

Having done accordingly, and after conferring upon the matter, they felt, and were in common agreement, that the proposals of said governor of New Mexico for the reduction and conquest of the revolted regions, and the contents of said two royal orders, coming so close one upon the other, and with the same object in mind, seemed to be not merely opportune but rather of special divine providence. For in the first royal cédula is ordered the reconquest of said province with special effort that it be restored with the greatest saving for the royal treasury, and everything else spent in this regard for the maintenance of what is left was approved.

In the second place it was decided that without first conquering New Mexico it would be useless to discourse upon the benefits to be derived from working the quicksilver mine, because it is in hostile country. It was further stated by his Excellency, as his decision, that since the subject who had promised to make an entry and inspection of said mine had not come to this kingdom, his delay was not only detrimental to the royal power but also to the public welfare. At the same time, and with similar determination, as is evidenced by his letters, Don Diego de Vargas, a man of great obliga-

tions and noble blood, offered his services. Whereby, from all that which is referred to, it became quite obvious that the entry for the conquest and restoration of the provinces of New Mexico should be carried out in the manner as planned by said governor and captain-general.

Without a doubt the two royal cédulas mentioned above favored and assisted in this resolution, because it is in accord with the royal will. It is thus understood, for it was expressed with the royal Catholic zeal that the reconquest be carried out, and that the apostate rebels be restored to our Holy Faith. Especially in the second, for he orders that first of all the conquest be assured before seeking the benefits to be derived from working the mines. Also with saving to the royal treasury, for said governor does not ask at the present for any funds, but only for the aid of the fifty soldiers. They are indispensable, as he shows, because of the lack of settlers in that place of whom to avail himself. And these, as shall be arranged, will be from the garrisons of the Parral district which are paid by his Majesty.

The person being the said governor, who is of such excellent qualities, illustrious blood, and obligations, and whose advantages are far greater than those of the aspirant Don Toribio de la Huerta, who, from what we hear, could not live up so well to his promises in the undertaking, for these reasons one may count on the zeal of the governor; for by his valor and great nobility alone he could promise to carry out such a proposal.

His Excellency and all the gentlemen at this meeting give him many thanks. And in order that he may know that with punctuality, in appreciation of his conduct, he shall be granted the aid which he asks, the governor and captain-general at Parral is ordered that upon receipt of a letter from Don Diego de Vargas asking for the fifty soldiers he comply accordingly, drawing them from the four presidios, the newly established ones and the old ones of that kingdom. These fifty men should be allotted proportionally from all the said presidios so that their absence will not be felt too greatly, as will be the case if done in the above manner. They should be sent with their arms and horses, and to the region and place specified by Don Diego de Vargas in order that they be at his disposal and orders. All of this shall be done until the receipt of a letter from his Excellency stating otherwise; in such a way, and with such punctuality is the governor and captain-general of [New] Vizcaya to carry out

the order, that he shall neither postpone nor delay said remission under any pretext, or for any reason. Nor may he question these orders, with the warning that otherwise he will be held seriously to account for it in his residencia; especially for the slightest delay in this particular; which may be expected to be of the greatest value in the service of his Majesty.

This means of recruiting the soldiers to be sent to the place Don Diego de Vargas specifies has been decided upon at this meeting because it is the most convenient, and because Don Diego gives us to understand that they are necessary for the entry. By sending them to where he specifies, he may avail himself of them and use them as he sees fit. In this manner said act of provision is more greatly assured.

It is also resolved at this meeting, concerning the discovery and finding out about the vermilion and quicksilver mine of Sierra Azul, that at the present time no more proceedings and reports are necessary. When Governor Don Diego de Vargas makes the above entry into the villa of Santa Fé he can ask and inquire of others, acting in that manner which as an expert on the subject he thinks best, remitting the evidence to his Excellency when the occasion warrants it.

Also he shall send him news regarding the progress of the entry when he sends to Parral for the soldiers, or whenever he has the opportunity to do so. His good judgment will undoubtedly find a way out of everything, and he will continue his precautions as much so in regard to his person as to the other occasions caused by warfare. And should some difficulties be encountered, that they be overcome in due time, notwithstanding the confidence assured by his good reputation. To all of which will correspond the rewards with which his Majesty, may God spare him, will honor him on receipt of news regarding his acts and wishes in his royal service.

With regard to the residents who have gone out from said provinces of New Mexico, on the part of his Excellency and those in his service, in order that they return, the orders of the fiscal shall be carried out, and under the penalties he deems to impose. And as regards that which has to do with the news of the discovery of the salt licks, the governor is to be thanked. His Excellency is aware of the value this may have in the near future. And also he and the Father Custodian and Fray Antonio Guerra are to be thanked for the

pacification of the three hundred Suma Indians. For this purpose it is ordered that an altar piece, a chalice with a paten, and a bell be sent there in the manner as ordered by the fiscal; and that this be done with all promptness through the office of the factor.

In order that all the points contained in this resolution be known, the respective orders will be sent out, and a copy of the one pertaining to the entry shall be inserted in writing to the said Governor Don Diego de Vargas, in order that he may be informed of its contents. Thus resolved, signed and sealed in the presence of his Excellency.²

HIS EXCELLENCY.

SEÑORES ARECHAGA, MARMOLEJO,
 PARDO, SANTA CRUZ, GUZMAN,
 DEZA, AND URRUTIA.

(Four rubrics.)

2. For a full discussion of the various points mentioned in this document which refer to Governor Vargas's activities, see my article on "The Legend of Sierra Azul, with special emphasis upon the part it played in the reconquest of New Mexico," *NEW MEXICO HISTORICAL REVIEW*, IX, 125-150.

THE GOVERNMENT AND THE NAVAHO, 1846-1858

By FRANK D. REEVE

THE NAVAJOES have been at open war with the inhabitants of this country for twelve years interrupted by intervals of brief and treacherous peace. They are a warlike and wealthy tribe, there being many individuals among them whose wealth is estimated as far exceeding that of any one person in this Territory. Their principal wealth consists of immense herds of horses, mules, sheep, and cattle. The country which they inhabit is mountainous and rugged, and there are many places to which they can retreat in times of danger, which are described as almost inaccessible. These Indians have permanent villages,¹ and cultivate all the grains and fruits known to the Spaniard in this climate. They manufacture blankets of rare beauty and excellence and are acquainted with the use of money. The depredations of these Indians have of late years been confined to the Spanish settlements on the Rio del Norte from Santa Fe to Socorro, from which they have annually driven off immense flocks of sheep, cattle, horses and stock of every description; and it appears that their policy is in conformity to the language which has often been attributed to them, and that they do not destroy the Mexicans, because they prefer that they should continue to raise stock for them to drive off. Until these Indians are effectually subdued they will continue to blight the prosperity of that portion of this Territory which is exposed to their depredations."² In these words Charles Bent described a situation inherited by the United States from Mexico under the terms of the

1. Governor Bent later modified this incorrect view about permanent villages. The Indians had few cattle.

2. Charles Bent to James Buchanan, 10/15/46, Department of War, Adjutant General's Office, Old Records Division, Letters Sent, New Mexico, V, 14. Subsequent citations will be abbreviated to AGO, LS, or other appropriate document.

treaty of Guadalupe Hidalgo, a situation that required two decades to remedy.

Judging from the complaint of Señor Don Jose Montejo at Cobero near San Felipe, the governor did not exaggerate in his description of these terrors of New Mexico. Finding a willing listener in his visitor, Lieutenant Abert, he told how the Navaho rolled in wealth at the expense of his poor New Mexican neighbors: "son muy ricos, tienen muchos caballos, muchos carneras, muchos bucyos, muchos! muchos! muchos!"³ And they not only raided the Rio Grande valley to acquire wealth, but they also annoyed their neighbors to the south and west, the Zuñi and Moqui pueblos. The Utahs to the north were too warlike to be interfered with very much.

When the government prepared to conquer New Mexico it recognized the fact that the chronic problem of the red-man would be met with in the Southwest. General Kearny marched with a supply of presents for the Indians and arrived in New Mexico with "instructions from the government . . . to protect the persons and property of all quiet and peaceable inhabitants within its boundaries against their enemies, the Eutaws, the Navajoes, and others . . ."⁴

These instructions were acted upon promptly. Lieutenant-Colonel Congreve Jackson was ordered to Cebolleta, west of the Puerco, September 16, 1846, with three companies of troops to protect the frontier; he was also instructed to invite ten or twelve Navaho chiefs to Santa Fe for a council, and to seize any stolen property chanced upon.⁵

3. J. W. Abert, *Report on New Mexico 1846-74*. 30 Cong., 1 sess., Sen. Ex. Doc. 23, p. 47 (506).

The inhabitants at the Old Placer mines grazed about 5,000 sheep in the neighboring valleys; "Some years ago they raised many more, but the constant depredations of the 'Navajoes' have caused a great diminution in their flocks." *Ibid.*, p. 33.

"The Navajoes may be termed the lords of New Mexico. Few in number, disdain the cultivation of the soil, and even the rearing of cattle, they draw all their supplies from the valley of the Del Norte." W. H. Emory, *Notes of a Military Reconnaissance . . . 1846-47*. 30 Cong., 1 sess., Sen. Ex. Doc. 7, p. 47 (505).

4. Kearny Proclamation 8/22/46, 29 Cong., 2 sess., Hse. Ex. Doc. 19, p. 21 (499). W. S. M. to Kearny 6/3/46, AGO, Military Book 26, p. 287.

5. AAAG (Acting Assistant Adjutant General) to Lieut.-Col. C. F. Ruff, 9/16/46, cited in W. E. Connelley, *Doniphan's Expedition* . . . p. 250. Jackson succeeded Ruff in command of the detachment. See also John T. Hughes, *Doniphan's Expedition*, p. 84.

Contact with the Navaho from Cebolleta was not very satisfactory, so that on October 20th Captain Reid was dispatched with thirty men on a venturesome trip into the heart of their country, guided by the friendly Sandoval, chief of a small band living near the post.

After several days travel the Reid party met "about thirty warriors and eight or ten squaws; dressed in splendid Indian attire, having fine figured blankets and panther-skin caps, plumed with eagle feathers . . ." ⁶ Then pushing onward, they finally met another party under Chief Narbonna, a man about 70 years old and suffering with rheumatism. The conference that followed was almost disrupted by the chief's wife, who apparently did not follow the ancient tradition that a woman should be seen but not heard. She argued strongly against negotiating with the visitors, suspecting that they were laying plans for future treachery. Narbonna remained master in his own household, however, and after ordering the forcible removal of his wife, he continued the discussions. The upshot of the conference was a promise on the part of the Navaho present to meet with the soldiers again at Agua Fria, forty miles from Jackson's camp, and then proceed to Santa Fe to make a treaty of peace with all their enemies. ⁷

But the failure of Navaho representatives to appear in Santa Fe long before this meeting, and the sporadic depredations along the Rio Grande, led Kearny on October 2 to order Colonel Doniphan into their country with instructions to require the restoration of prisoners and stolen property, and the giving of hostages for future good conduct. ⁸ Doniphan acted promptly and a two-fold military movement was undertaken. Major Gilpin, stationed at Abiquiu, marched by way of the San Juan river under orders to chastise the

6. J. S. Robinson, *A Journal of the Santa Fe Expedition under Colonel Doniphan*, p. 43.

7. Hughes, *Don. Exp.*, p. 85. Connelley, *Don. Exp.*, p. 295.

8. Kearny to AAAG, 10/2/46, cited in Hughes, *Don. Exp.*, p. 75. The Mexicans and Pueblo Indians were also authorized to make war on the Navaho. Kearny to Doniphan, 10/5/46, *Kearny Papers*, mss.

hostiles, take hostages from the peaceful, and to meet Doniphan at Bear Springs. The commander-in-chief crossed the Rio Grande at Albuquerque and joined Jackson at Covero, near Cebolleta, on November 5. Without trouble, except for the hardships of the country and climate, the two forces finally met at Bear Springs on the 21st and held a council with the Navaho who had assembled to talk with these presumptuous claimants to their country.

Doniphan informed the Indians that the United States claimed the country by right of conquest, and that both the New Mexicans and the Navaho were our children; they must decide whether to live at war or peace, and if a treaty of peace was made, they must observe it—the United States made no second treaty! In reply to these strong words, "One of their chiefs, Sarcilla Largo, a young man very bold and intellectual, spoke for them: 'He was gratified to learn the views of the Americans. He admired their spirit and enterprise, but detested the Mexicans.'"⁹ Since the Americans were at war with Mexico, he could not understand their objection to the Navaho warring upon the same people.

The difference in point of view, however, did not prevent the signing of the first of a series of treaties between the Navaho and the future owners of New Mexico. According to the terms of this Doniphan treaty of November 22, there was to be peace between the two peoples; the American people also meant the Mexicans and Pueblo Indians; there was to be freedom of trade and mutual restoration of prisoners by exchange or purchase; and all property taken since August 18, 1846, was to be restored by both sides.¹⁰ The agreement was signed by fourteen Navaho, but the ink was not dry before the document was meaningless.

During the fall of 1846 the depredations of the Navaho continued. They even stole part of Doniphan's supply of sheep near Socorro as he was en route to Mexico. A theft of sheep usually brought a party of Pueblo Indians, or

9. Hughes, *Don. Exp.*, p. 95.

10. *Ibid.*, p. 96.

Mexicans, or American soldiers in pursuit; sometimes the marauders were punished and the property recovered, other times the victims had to endure their loss. A few lives were lost on both sides, and scalp dances were held at the pueblos of Laguna and Isleta. The Navaho, of course, did not seek fights, but when hard pressed they were courageous enough as Abert perhaps too vividly testifies in writing about one clash south of Socorro in November when "With horrid cries and shouts of 'Navahoe, Navahoe,' the Indians sprang forward to the combat; they were dressed for war, being ornamented with paints and plumes, and mounted on good horses, and armed with bows and arrows, and lances. . . ."¹¹

These conflicts certainly furnished ground for Governor Bent's gloomy feeling about the Doniphan treaty: "I have but little ground to hope that it will be permanent."¹² But such pessimism could not be reflected by the government at Washington because the acquisition of New Mexico was a definite part of Polk's expansion program. Consequently, in his address to Congress in December, 1847, the President sounded a more optimistic note when he wrote: "If New Mexico were held and governed by the United States, we could effectually prevent these tribes from committing such outrages, and compel them to release these captives, and restore them to their families and friends."

In accomplishing the task confidently predicted by the President, the military were not to be the sole agents. Promptly on appointment as governor of New Mexico in September, 1846, which carried the additional responsibility of ex-officio superintendent of Indian Affairs, Bent discussed extensively the problem in his earliest report to Washington and recommended an Indian agent and three sub-agents for New Mexico, and the establishment of "stockade Forts in

11. *Report*, 30 Cong., 1 sess., Sen. Ex. Doc. 23, p. 82 (506) See also Hughes and Robinson, *passim*.

12. Bent to Buchanan, 12/26/46, AGO, LS, V, 42.

the Yuta and Nabajo countries with sufficient troops to keep these [Indians] in check. . . ."¹³

The recommendations were not acted upon until 1849 when the first steps were taken to carry them out. A new Indian agency could only be created by Congress, but the existing agencies could be moved about; consequently, due to the comparatively tranquil state of affairs at the Council Bluff agency, and in keeping with the recommendations of Commissioner Medill, it was reduced to a sub-agency and a full agency was established at Santa Fe by order of Secretary Ewing, March 29, 1849.¹⁴ A commission as the first agent in New Mexico was sent to James S. Calhoun on April 7th with the advice, "So little is known here of the condition and situation of the Indians in that region that no specific instructions, relative to them can be given at present. . . ."¹⁵

Meanwhile events were leading up to a second major attempt to establish peace with the Navaho. Their forays were a constant source of irritation and loss to the people in the Rio Grande valley. And much to the annoyance of the soldiers the Indians would seldom fight. When the pursuit became too hot they abandoned the captured flock and vanished into the retreats of their country. But, like the weather, the prospect of peace was always a ready topic of conversation. In January, 1849, Chief Sandoval reported to Captain Ker at Cebolleta that his kinsmen wanted peace. The Captain replied that he would make a treaty for that purpose only with those Indians who would settle near his military post, separate themselves from the others, and act as informers. If they did not accept these terms to migrate into his neighborhood and turn traitors he would chastise

13. Bent to Medill, 11/10/46, A. H. Abel, *The Official Correspondence of James S. Calhoun*, p. 6f. Subsequent citations will be abbreviated to Abel. Bent to Buchanan, 9/24/46, AGO, LS, V, 2.

14. Medill to Ewing, 3/28/49, War Department, Indian Division, 1849-1851. Ewing to Medill, 3/29/49, Abel, p. 2.

15. Medill to Calhoun, 4/7/49, Department of the Interior, Office of Indian Affairs, Letterbook 42, p. 17. Subsequent citations will be abbreviated to OIA, LB, or other appropriate document.

them as soon as possible.¹⁶ The captain's threat was as futile as previous warnings of dire punishment. A week later some Navaho ran off a flock of 6,000-8,000 sheep on the Rio Puerco.¹⁷

When Calhoun arrived he readily accepted the current view that the Navaho "are not to be subjected to just restraints until they are properly chastised." Of course, having been properly subdued, they were to be treated with a liberal philanthropy until able to earn a living by work.¹⁸ The chastisement, or at least the negotiation of a treaty at the point of a gun was undertaken by Lieutenant-Colonel Washington and Calhoun in August.

Leaving Jemez on the 22nd with a force of 348 men, Washington met a party of Navaho in the Tunicha valley, on the 30th. Upon his demand for the return of a stolen horse, the restless Indians started to leave; the guard stationed near Washington opened fire, killing Chief Narbonna and several other Indians.

Pushing on, the expedition entered the mouth of the Canyon de Chelly, the garden spot of the Navaho country. Here, on September 7, new representatives appeared and terms of a treaty were again presented. Mariano Martinez was accepted as the head chief of the Navaho and Chapitone as the second in command. Four Mexican captives were delivered up as a sign of good intentions, and on the 9th the treaty terms were agreed upon, as follows:

In keeping with the treaty of Guadalupe-Hidalgo the Navaho were now under the jurisdiction of the United States; they were to live in perpetual peace and friendship; aggressions against the Indians should be referred to the government for adjustment; the Navaho country was now a part of New Mexico, subject to the Indian intercourse

16. Croghan Ker to AAAG, 1/29/49, AGO, New Mexico, Letters Received 1848-49, K1. Subsequent citations will read AGO, LR, followed by the document number and year, as K1/48-49.

17. Lieut. O. H. R. Taylor to AAAG 2/7/49, AGO, LR, T3/48-49. Taylor to AAAG, 2/28/49, *Ibid.*, T4.

18. Calhoun to Medill, 7/29/49, Abel, p. 19.

laws; the Navaho should deliver up the murderer or murderers of Micenti Garcia; they should surrender at Jemez by October 9 all captives and stolen property; they should enjoy the same protection in life and property as citizens of the United States; the government would establish military posts and authorize trading houses; the government should designate their territorial boundaries and pass necessary laws for their prosperity and happiness; and the government would give donations, presents, and implements deemed proper.¹⁹

The paper relationship between the Navaho and the government was advanced considerably by this treaty. From a people politically independent in fact, although under the claimed jurisdiction of Mexico, they were now a "domestic-dependent nation" subject to American law and jurisdiction; their new status was to be made clear by the establishment of military posts in their country, by limitations on their freedom of movement, and by positive measures for their welfare in the future.

But the actual relationship between the two groups was not changed for a long while yet. September had barely passed when Calhoun wrote that few people were bold enough to travel alone ten miles from Santa Fe. He believed that "The Navajoes commit their wrongs from a pure love of rapine and plunder."²⁰ And he had a concrete suggestion for a remedy. Just give him four companies of Dragoons with some Pueblo Indians, "and my life for it, in less than six months I will so tame the Navajoes and Utahs that you will scarcely hear of them again."²¹

The Indian agent was rather boastful, but conditions were bad and force was an obvious necessity. Whether from "pure love of rapine" or force of habit the Navaho during

19. Washington to AG, 9/25/49, 31 Cong., 1 sess., Sen. Ex. Doc. 1, p. 111 (549). Calhoun to Medill, 10/1/49, Abel, p. 26f. The treaty can be found in Abel, p. 21.

Brevet Lieut.-Col. J. M. Washington had assumed the duties of governor of New Mexico October 11, 1848.

20. Calhoun to Medill, 10/1/49, Abel, p. 31.

21. Calhoun to Medill, 10/29/49, Abel, p. 65.

the next year and a half committed an average of at least one theft or killing a month in the Rio Grande valley or among the western Pueblos. The remedy pretty well agreed upon by the responsible leaders in New Mexico was voiced by the territorial convention of 1849 in their instructions to the delegate-elect to Congress, Hugh N. Smith, "That he shall urge the establishment of a fort in the heart of the Navajo country, to protect the people against the incursions and robberies of this formidable and marauding Indian tribe."²²

The military commander did take some ineffective steps to end the depredations. In the fall of 1849 a detachment of troops was stationed at San Isidro in the Jemez valley, a favorite haunt of the Navaho for trade or marauding, and a second post was located at Cebolleta, where the road leading west from Albuquerque passed by and the friendly Navaho under Sandoval lived. The Cebolleta site was severely criticized by M. S. Howe, who assumed command in May 9, 1850, but in the light of inadequate knowledge of the Indian country it was not a bad selection at the time.²³ But despite these measures complaints continued to reach Washington to the effect "that our Indian troubles are daily increasing, and our efficiency as rapidly decreasing."²⁴

During the spring and summer of 1850 an occasional military expedition was launched against the marauders. A Navaho attack on Zuñi Pueblo in January brought Cap-

22. 31 Cong., 1 sess., Hse. Ex. Doc. 17, p. 102 (573).

23. Howe scorned the original idea that the post would guard a certain pass through the mountains nearby by the claim that the Navaho ignored passes in their forays, and that the pass was easily avoided anyway; AGO, LR, H15/50.

The neighborhood was apparently deficient in forage for the cavalry horses also, a common problem for the military in those days. Capt. W. H. Saunders to AAAG, 12/4/50, *Ibid.*, S31.

24. Calhoun to Brown, 1/25/50, Abel, p. 103.

"We say to you Sir with all due solemnity, our Indian troubles at this moment are of a more terrible, and alarming character, than we have ever known them before, and many of us have lived in this territory from five to fifty years;" explore the country, establish military posts, and fix territorial limits for the Indians. Memorial to the President of the United States, Santa Fe, 2/27/50, Abel, p. 157.

tain Ker from Cebolleta in pursuit. He was in the field for fourteen days and had one "brush" with the Indians, otherwise the enterprise had no results and the Navaho remained in the enjoyment of the two women and stock they had stolen.²⁵ In June the Navaho stole 15,000 sheep on the Puerco. After they had ceased to worry about pursuit, Lieutenant John Buford, now in command at Cebolleta, was authorized to attack a party suspected of the depredation.²⁶ The results of the expedition are not at hand, but they were certainly not decisive. The successor of Buford, Brevet Lieutenant-Colonel Chandler, was drawn westward in October to aid the Zuñi again. This time the Pueblo warriors were loaned the use of sixty flint lock muskets with ammunition. They had asked for arms a year before, and also for "*permission to make a war, of extermination, against the Navajoes;*" an impossible task for them even if permission were granted.²⁷ Meanwhile, the commander at San Isidro had forbidden all traffic with the Navaho in the Jemez valley and maintained a fixed policy of hostility toward them. Until that decision was made the Indians had visited his post frequently and had manifested signs of a friendly attitude.²⁸

The matter of trade with the Navaho and also the Apache was a source of concern to the government officials. Governor Munroe had been unwilling to extend the intercourse laws to New Mexico by virtue of his military power, but the significance of the trade to the operations of the army led him in June, 1850, to regret that he "did not bring the subject to the particular notice of the Secretary of War at an earlier period," and to make the following recommendations: extend the Indian laws to New Mexico with suitable modifications; provide penalties for violation of the 11th

25. Ker to AAAG, 1/22/50, AGO, LR, K1/50.

26. Buford to AAAG, 7/18/50, AGO, LR, B20/50. AAAG to Buford, 7/21/50, AGO, LS, VI, 129.

27. Calhoun to Medill, 10/15/49, Abel, p. 50. AAAG to Chandler, 10/9/50, AGO, LS, VI, 186.

28. Captain W. H. Gordon to AAAG, 5/27/50, AGO, LR, G18/50.

article of the treaty of Guadalupe-Hidalgo; and make the military commander superior to the Indian department in regard to both of those propositions because he believed there would be too many Indian service officials engaged in enforcing the law to make efficiency possible.²⁹

The significance of the trade to military operations was probably in the sale of arms and ammunition to the Indians. The granting of licenses was suspended in November, 1849, but despite this the business was continued. In June, 1850, Buford at Cebolleta reported that "Parties are frequently passing near here with goods powder and lead for the Apaches & Navajoes." He requested instructions about the matter and was no doubt advised to break up the traffic. Later in the month he stopped a party of fifty-two traders twenty-seven miles southwest of Acoma carrying ammunition for Indians and with no license. Juan Padilla of Atrisco was their leader and had dealt sharply with his followers. He had claimed to be the possessor of a permit to trade and had sublet his right for \$2 per trader. Three of the party were required to post \$1,000 bonds for appearance in court, but the outcome apparently was only the confiscation of the contraband goods.³⁰

The year 1851 was notable for major developments in the policy of managing the Navaho, but marred by poor coordination of effort among the several public agencies. Calhoun, having assumed the additional responsibilities of territorial governor on March 3, lent official encouragement to the old time practice of volunteer punitive (and plundering) expeditions against the Indians. On the 18th he issued a proclamation encouraging such activities, stipulating that all property taken was to be disposed of according to law and that no depredations should be committed against the peaceful citizens. The next day the Pueblos were authorized to undertake the same project, all property taken to be

29. John Munroe to AG, 6/11/50, Abel, p. 108. Calhoun to Brown, 11/15/49, Abel, p. 77.

30. AGO, LR, S15/50; B12/50; B9/50. AGO, LS, VI, 109-21. Abel, p. 105.

divided according to their laws and customs. He also attempted to secure government arms for the Jemez Pueblo for protection against the Navaho, but Munroe was not so sure about the exact relations that existed between those two peoples and refused to grant the governor's request.³¹

But the efforts of the inhabitants themselves to subdue the Navaho were like wearing away stone with drops of water. Despite the decades that the Rio Grande valley had been settled, the people apparently had never equipped themselves with adequate means of self-defense. They no doubt had the man-power, and as Calhoun explained, "If we had the use of one thousand stand of arms at this time, we could effectually check depredations that are being daily committed in our very midst."³² So, without adequate means of defense at his command and lacking instructions from Washington, the governor could do little more than pour out his lament to the commissioner: "My condition is a more unsatisfactory one, at this time, than at any former period since I have been in the Territory. I am without the slightest advice as to the purposes of the Government in reference to the Indians in this Territory, and I know nothing of the means, provided by Congress, for their management . . . I am daily assuming responsibilities that will bring me into discredit, if not sustained by the Department."³³

However much the gloom of the governor was justified, his energetic actions toward encouraging war against the Navaho may have had the effect of lifting the veil that hid the real conditions existing among that nation. Apparently they were not all desirous of committing acts that the white

31. Abel, pp. 300-301. Munroe to Calhoun, 3/31/51, AGO, LS, VII, 68.

A volunteer expedition in the winter returned with 5,000 sheep, other stock, 52 prisoners, and the loss of a few of their own lives. Abel, p. 285.

Manuel Chaves proposed to raise 600 volunteers, 3/18/51: "the only recompense they ask for their services, is to have the disposal of the interests of the country they are to conquer, such as the disposal of captives, animals cattle etc. and they on their part promise to pursue the Navajo Nation to their extermination or complete surrender." Abel, p. 302.

32. Calhoun to Fillmore, 3/29/51, Abel, p. 305.

33. Calhoun to Lea, 4/29/51, Abel, p. 337.

Congress had taken action, but the governor had not yet been informed of it.

man called robbing; some of them had sufficient means of their own by this time to favor peace with other men. As early as the fall of 1849 Calhoun had suspected that they were divided into a warlike party and a peace party, or what officials later termed the *ladrones* and *ricos*; "but," as he said, "who can avouch the fact?"³⁴ Now reports from the Navaho country indicated that the Indians had divided into two general groups; one group was on the upper San Juan river fraternizing with the Utahs and desirous of peace with the whites; the other group was located on the lower San Juan and the Canyon de Chelly and had more internal differences over the proper course to pursue.³⁵

On two different occasions in April and May, representatives of the Navaho appeared at Cebolleta and expressed a desire for peace.³⁶ These overtures were rejected both by Munroe and Calhoun on the ground that the Washington treaty of 1849 was binding and that no new treaty would be negotiated nor conference held until the terms of that document had been complied with.³⁷ However, a few families who desired to be friendly were granted permission to locate with the Sandoval band near Cebolleta.³⁸ The sheep could separate from the goats if such were possible.

Regardless of the possibility of a peace group among the Navaho, the depredations continued. A particularly bold attack on Isleta in the heart of the Rio Abajo on June 25 led the territorial legislature to send a strong memorial to President Fillmore. They requested arms for volunteers; they requested the delegation of power to the governor to call out the militia; and they condemned the utter inefficiency of the soldiers: they were brave but resting on their laurels!³⁹ Rumors of trouble near Cebolleta led to the

34. Abel, p. 77. See also pp. 44, 49, 290.

35. AGO, LR, G5, G10, C37, C55/51. AGO, LS, VII, 93.

36. AGO, LR, 4/19/51, and 5/6/51, C43/51.

37. AAAG to Chandler, 4/25/51, AGO, LS, VII, 102.

38. AAAG to Chandler, 6/10/51, AGO, LS, VII, 168.

39. Abel, pp. 364, 367. Ten more traders with ammunition for the Navaho, and no license, were arrested near Abiquiu in July. AGO, LR, G13/51.

strengthening of the garrison at Albuquerque. This precaution was justified because on July 12 or 13 a party, probably hay contractors, were attacked near Ojo de Gallinas (or Gallo), with the loss of two men killed, eight wounded, and three missing. Additional troops were rushed to the post at Cebolleta from Albuquerque.⁴⁰

Meanwhile, the efforts of the territorial volunteers and the soldiers to control the Indians were being seconded in Washington in both the military and civil departments. The Washington treaty had been ratified by the Senate in September, 1850, and the following February the laws relating to intercourse with Indians were extended to New Mexico and four agents were provided to assist the superintendent in managing the several tribes in the Territory.⁴¹ In August of 1851 the sum of \$18,000 was made available by Congress for carrying out the charitable provisions of the treaty.⁴²

On the military side of Indian management, the groundwork had been laid for a more adequate system of frontier defense. Inspector General George A. McCall made a trip to the Territory in the summer of 1850 and among other recommendations proposed the location of a fort near the Canyon de Chelly.⁴³ This report was reflected in the appointment of Colonel E. V. Sumner as commander of the department, March 29, 1851, with instructions to revise the frontier defenses for the better protection of the settlements, remove the soldiers from the demoralizing influence of town life, and to make a campaign against the Navaho. The department of war had been "induced to believe, that no permanent peace can exist with the Indians, and no treaty will

40. AGO, LR, C61 and C62/51; AGO, LS, VII, 181, 210.

41. United States Statutes at Large, IX, 587. Hereafter abbreviated to USSL.

If the treaties are ratified, "and the requisite military force, and the necessary agents, are provided to compel those two tribes [Navaho and Utah] to observe their stipulations in good faith, I presume that so far as they are concerned, but little further will be required." But Indian relations must "depend mainly upon the military" . . . by a "system of control by fear." Orlando Brown to Calhoun, 4/24/50, OIA, LB 43, p. 153.

42. USSL, IX, 572. Mix to Calhoun, 8/8/51, OIA, LS 45, p. 50.

43. See A. B. Bender, "Frontier Defense in the Territory of New Mexico." *NEW MEXICO HISTORICAL REVIEW*, IX, 262 (1934).

be regarded by them until they have been made to feel the power of our arms."⁴⁴

The new commander assumed charge of the department on July 19 and established general headquarters at Fort Union. Within a month he was leaving Santo Domingo for the Navaho country. His troops killed and wounded a few Indians hovering along the line of march near Canyon Bonito, penetrated the Canyon de Chelly a distance of eleven miles, and on September 18 selected the site for Fort Defiance at Canyon Bonito. "If this post does not put a stop to the Navajo depredations," he wrote, "nothing will do it but their entire extermination."⁴⁵ Neither statement was realized in fact.

While Sumner was in the Navaho country the Indians were "traveling in every direction through this Territory, committing murders and depredations. . . . On the 8th of this month [September] . . . [they] committed depredations within seven miles and a half of this city [Santa Fe]."⁴⁶ Furthermore, the newly appointed agent for the Navaho, Major E. H. Wingfield, had been unable to contact his charges because Sumner had "declined affording the 'facilities' which *his* instructions authorized."⁴⁷ Sumner felt a "want of authority" in declining to take Wingfield with him. Since Calhoun had "no authority to call out the militia," he concurred in the agent's determination to proceed to Washington in order to enlighten the commissioner on the true state of affairs in New Mexico.⁴⁸ But unfortunately for the agent, his personal appearance without their authorization was not pleasing to the Washington authorities and he lost his job.

44. C. M. Conrad to Sumner, 4/1/51, Abel, p. 383. AG to Sumner, 3/29/51, AGO, LR, A13/51. Secretary of War, *Annual Report*, 1851, 32 Cong., 1 sess., Sen. Ex. Doc. 1, p. 106 (611).

45. Sumner to Jones, 10/24/51, Abel, p. 417.

46. Calhoun to Major E. H. Wingfield, 9/17/51, Abel, p. 426.

47. Calhoun to Lea, 8/22/51, Abel, p. 401.

Sumner had been instructed to act in "concert" with the superintendent.

Wingfield's commission had been sent to him 3/24/51.

48. Calhoun to Wingfield, 9/17/51, Abel, p. 426.

Meanwhile Calhoun was determined to do something to remedy the situation. Lacking money, munitions, or power to call out the militia; with an agent unable to contact the Indians and a military commander who did not cooperate according to his notion, "do you not perceive, I must be sadly embarrassed and disquieted?"⁴⁹ And, if his efforts failed, he wrote to Daniel Webster, the people would be forced to take care of themselves or "be plundered and butchered."⁵⁰

The "something" that Calhoun undertook to do was the resumption of his policy of the spring of 1851 when he authorized volunteer expeditions against the Navaho. Now, however, his decision led to a dispute with the military over the advisability of such operations. When some citizens of Santa Fe requested arms for offensive operations, Sumner agreed to furnish seventy-five flint lock muskets and ammunition but stipulated that they should be used for defensive action only. He also intimated that force would be used to prevent offensive action, or "predatory" war as he called it, on the ground that it was contrary to War Department orders, interference with his duties, and that it would prove an obstacle to the eventual pacification of the Navaho which he hoped for now with the establishment of Fort Defiance. Calhoun, on the other hand, charged that the troops in the Territory were insufficient in numbers, their horses were in too poor condition for active operations, and that under such conditions the inhabitants were entitled to protect themselves. The crux of the matter then was whether or not the armed territorials should act on the offensive or defensive against the Navaho. The exchange of correspondence between the governor and commander became rather heated, but Sumner finally relented about using force to prevent offensive action and laid the whole matter before the war department for further instructions.⁵¹

49. Calhoun to Luke Lea, 8/31/51, Abel, p. 414.

50. 10/29/51, Abel, p. 440.

51. Abel, pp. 445-447, 449, 455.

Although several measures had been taken to solve the Navaho problem, the reports from New Mexico presented a gloomy picture to official circles in Washington:

The apparently slow progress which has been made in the work of establishing friendly relations with such Indians of the Territory as have been for years plundering and murdering the inhabitants without fear or restraint, may be justly attributed to a combination of circumstances over which the officers of this department have had no control. The country itself, wild, desert and mountainous; the savage nature and untamed habits of most of the Indians who roam over it; the lawlessness of many of its other inhabitants, often more reckless than the Indians themselves; the scattered, mixed, and heterogeneous character of its population in general—all tend to produce a state of things so discreditable and deplorable, as to render its acquisition a misfortune, and its possession a reproach to the government. To remedy these evils, liberal appropriations of money, and a more vigorous and untrammelled exercise of authority by the civil officers of the Territory, are indispensable.⁵²

However, the gloomy outlook in the fall of 1851 was shortly to give way to a more cheerful state of affairs. The policy of military coercion was to be replaced by the giving of presents to preserve the peace. The change was foreshadowed not only in the report of the commissioner just quoted, but also in the report of the secretary of war:

... policy and humanity both require that we should employ some other means of putting a stop to these depredations than the terror of our arms; we should try the effect of conciliatory measures.⁵³

52. Commissioner of Indian Affairs, *Annual Report*, 1851, 32 Cong., 1 sess., Hse. Ex. Doc. 2, p. 271 (636).

53. *Annual Report*, 1851, 32 Cong., 1 sess., Sen. Ex. Doc. 1, p. 113 (611).

This conciliatory policy apparently originated in Washington. Calhoun had been in favor of aggressive measures against the Navaho, and Sumner did not favor the change at first.

The first step was taken when Calhoun and Sumner met about two hundred Navaho at Jemez on December 25. The Indians promised to keep quiet, to restore all Mexican captives, and gave three hostages as a token of good faith. Calhoun, in turn, gave them about \$2,000 or \$3,000 worth of presents, much to the displeasure of Sumner. The commander believed that a rod of iron was still the best policy; the presentation of gifts, he thought, would lead the Navaho into the erroneous idea that their submission had been purchased, and that such an idea would jeopardize the benefits resulting from the establishment of Fort Defiance.⁵⁴ And the location of that post in the heart of their country, in addition to the killing of a few Navaho, probably did have a restraining effect on the Indians; at least there were no deprivations reported from October 18 to the time of the conference at Jemez.⁵⁵

In keeping with this agreement, a number of Navaho returned to Jemez, January 27, 1852, and surrendered three captive Mexican boys. Their spokesman, Armijo, also expressed a desire for the continuation of peace. When Greiner stated that the Mexicans were resentful at the stealing of children and flocks of sheep by the Indians, the chief warmly replied that "*My people are all crying in the same way. . .*" Eleven times, he claimed, they had surrendered captives and the Mexicans only once, that they had lost more children than their enemies, and that any arrangement made by the agent for preventing such practices would be acceptable to them.⁵⁶

54. Sumner to Jones, 1/1/52, Abel, p. 433. Sumner to Jones, 1/27/52, AGO, LS, VIII, 124.

55. Calhoun to Lea, 2/29/52, Abel, p. 488.

Major E. Backus, commander at Fort Defiance, mentions a treaty with the Navaho on October 26. Backus to AAAG, 1/4/52, AGO, LR, B2/52. Backus to Kendrick, 3/10/52, K12/54. This may have been an informal understanding between the post commander and some Navaho.

56. Greiner to Calhoun, 1/31/52, Abel, p. 466.

A commission as agent was sent to John Greiner March 25, 1851.

Both Greiner and Calhoun agreed that the Navaho were justified in their com-

The period of peace lasted until the summer of 1853, with only one or two incidents to mar the good relations between the two peoples. The policy of placating the Indians with gifts was continued by Governor Lane and the reports from all sources for several months were uniformly optimistic. Even Sumner relaxed a bit from his attitude of sternness:

I am convinced that the only way to subdue Indians effectually and permanently, is to improve their condition, and the best way to do this, is to establish posts in the heart of their country, where we can bring them about us, and instruct them in agriculture and other useful arts.

And he hoped that the propensity of the young men to steal as proof of their valor would soon disappear.⁵⁷ Some seeds were distributed to the Navaho in the spring of 1852 and they farmed their lands quietly and perhaps more extensively than usual. "I think this tribe is effectually subdued," Sumner wrote, "and in the best possible way, by improving their condition."⁵⁸

However effective aid in farming was, the officials did not relax in their attitude toward the importance of presents for the Indians. When some confusion concerning the funds of the superintendency arose with the departure of Calhoun from New Mexico in May, 1852, Sumner did not hesitate to tide over the difficulty by drawing on his own financial re-

57. Sumner to Conrad, 3/27/52, AGO, LS, VIII, 186.

Lane spent \$19,174.51 from January to August, 1853, nearly the entire appropriation for the year ending 6/30/53. Manypenny to McClelland, 2/2/54, OIA, War Department letters, 1852-1854.

58. Sumner to Jones, 3/22/52, AGO, LS, VIII, 181.

plaint. Such practices of course long antedated the American occupation of New Mexico.

"I have seen frequently little children from eighteen months to six years old, led around the country like beasts, by a Mexican who had probably stolen them from their mother not more than a week, and offered for sale for from forty to one hundred and twenty dollars." Anonymous article dated Albuquerque, 7/23/52, printed in *Santa Fe Weekly Gazette*, 11/20/52.

sources.⁵⁹ When the supply of tobacco ran low at Fort Defiance, the commander commented along with his request for more that "The policy adopted by Maj. Backus has operated most happily in preserving the best relations with the Navajos and I am confident that if the Commanding officer here has the means of Continuing to make this station necessary to them as a place of profit, barter or trade, no difference with them need ever occur. They are now in the habit of bringing back to this post every animal that strays from it."⁶⁰

The civil officials were equally pleased with the situation. Agent Baird met a group of about 1,500 Navaho in November, 1852, and he did "not think there are the slightest of apprehension of an outbreak, on the part of these Indians."⁶¹ After a tour of the Navaho country in March, 1853, he was happy to inform the commissioner at Washington "that the prospect of civilization grows more [promising] with my tribe (Navajoes). A small annual appropriation as you have been advised is all that is necessary to this tribe in a state of dependence."⁶²

But suddenly a small annual appropriation did not seem sufficient to continue the peaceful relations. There were still trouble-makers among the Navaho and they made themselves known again. In March of 1853 they stole a small flock of sheep near Peña Blanca. On May 3 a certain Ramon

59. Sumner to Calhoun, 5/20/52, AGO, LS, VIII, 267. Sumner to Backus, 5/9/52, *Ibid.*, 247.

60. Captain J. H. Eaton to AAAG, 8/7/52, AGO, LR, E20/52.

61. Baird to Lane, 11/27/52, OIA, New Mexico Superintendency, *Outgoing Letters*, vol. 1. Hereafter cited as OIA, NMS, OL.

Governor William Carr Lane assumed his duties as governor and superintendent, September 10, 1852. AGO, LS, VIII, 370.

S. M. Baird was appointed special agent at Jemez by Calhoun February 1, 1852, to prevent tampering with the Navaho by evil disposed people. His commission as agent was sent from Washington January 31, 1852. Abel, p. 488; OIA, LB 45, p. 412.

62. Baird to Lea, 4/12/53, OIA, LR, B234/53.

There was one sour opinion in this period of peace. When the secretary of war in his annual report of 1852 stated that "The Navajos . . . have been completely overawed, and manifest every desire to be at peace with the whites," the *Santa Fe Weekly Gazette*, 2/26/53, considered it novel news; "It cannot be asserted that the peace has been 'conquered;' but it may be asserted, perhaps with entire truth, that it has been bought."

Martin and young son were killed near Vallecito, two boys captured, and some stock stolen; in the same month a large flock of sheep belonging to A. Garcia was taken near Ojo de Gallinas. These incidents were important in bringing out various aspects of the problem involved in the relation between the Navaho and the government.

The officials believed in the old saying of an iron hand in a velvet glove, but were reluctant to actually use the hand. John Greiner, now secretary of the Territory, instructed Agent Baird to "Give the Navajoes to understand these sheep must be accounted for at once,"⁶³ referring to the theft at Peña Blanca. The case of Martin aroused Governor Lane to a fever pitch of indignation. He appointed two special agents to investigate the killing (and the theft of sheep at Peña Blanca) and offered heavy rewards for the capture of the culprits, \$200 for the leader and \$100 for each of his followers:

*These very important objects, must be obtained, cost what it may, in time and labor, to the Indian Agents and their servants; and what it may, in money, to the U. S. The citizens must be protected, in their rights of property; and human blood must not be shed, and human liberty violated with impunity. And Indian Agents must be at their respective posts, and energetic, in the discharge of their duties."*⁶⁴

63. 3/19/53, OIA, NMS, OL, I, 182.

64. Lane to Steck, 5/6/53, *Ibid.*, I, 176. Lane to Sumner, 5/25/53, *Ibid.*, I, 231.

The reason for two special agents at this time was due to the failure of Agent Baird to respond promptly to Lane's conception of the duties of an agent. Because of the "utter inefficiency of the Indian Department" he had issued a circular requiring agents to reside with their tribe or "as near thereto as practicable." 11/2/52, *Ibid.*, I, 58.

"I have experienced much official embarrassment in this Ter.—which was not anticipated. I was disappointed in the measures of defense adopted by the commanding off. of the Dept. The Indn Agt. disappointed my just expectation,—& hence the necessity of the enclosed circular. And the Civil Depart. was chaotic." Lane to Kendrick, 12/3/52, *Ibid.*, I, 62.

For instructions to special agents see *Ibid.*, I, 179, 184.

Baird was probably too immersed in business affairs at Albuquerque to contact his charges more closely. *Santa Fe Weekly Gazette*, 5/14/53.

The Navaho were given until July 1 to surrender the murderers or their country would be invaded. Meanwhile the governor had written to Sumner: "I respectfully suggest to you the propriety, nay absolute necessity, of inflicting upon the Pueblo, or Tribe, [in this case the Navaho] to which they may belong, severe chastisement."⁶⁵

The military commander fell in with Lane's plan of punitive action, and finally set July 6 as the deadline for the restoration of the murderer, six days later than the governor's ultimatum.⁶⁶ In June Major Kendrick made a six day tour of the Navaho country and met several groups of Indians. He warned them that unless satisfaction was given war would be waged against them, "their flocks seized, their men killed, their *women and children taken captive*, and ultimately the mountain made their eastern limit." They professed their inability to surrender the murderer because of fear of revenge and the fact that he had fled from his home district, but they promised "to give him up or kill him *when they could*" and to restore the sheep by the end of the month.⁶⁷ Kendrick was convinced, however, that they would not surrender him.

The Navaho did not want war and made restitution to a certain extent. Most of Garcia's sheep were promptly returned. Special Agent Vigil secured the return of the captive boys without difficulty; and the Indians were willing to pay for the murder of Martin and son.⁶⁸ But this was the important issue and the government officials were now finding themselves in an uncomfortable situation.

Neither Lane nor Sumner wanted war any more than did the Indians. They were motivated fundamentally by the idea of making the Navaho conform to the whiteman's law. A murder was a murder, whether committed by a whiteman or redman, and the guilty should be punished,

65. 5/10/53, *Ibid.*, I, 188.

66. Sumner to Kendrick, 6/4/53, AGO, LS, vol. VIII.

67. Kendrick to AAAG, 6/14/53, AGO, LR, K15/53.

68. OIA, NMS, OL, I, 174, 241. OIA, LR, N120/53. AGO, LR, E12, K10, K11, K13/53.

though perhaps exact due process of law need not be followed. Consequently, while they put strong pressure on the Indians to surrender the culprit, they hoped for a peaceful ending to the whole matter. Furthermore, if war came the strategy to be followed was a moot point. The military favored indiscriminate crop destruction as a necessary corollary to fighting, whereas Lane favored drawing a distinction between the friendly and unfriendly Navaho, and the avoidance of crop destruction, which would necessitate further marauding on the part of the Indian to escape starvation.⁶⁹

As the month of June ran its course the two leaders were troubled about being consistent toward the Indian, of following the routine of punitive action sanctified by time or modifying practice to fit the realities of the case. "But for myself," wrote Governor Lane, "I will look steadily at the requirements of the law, of Justice & sound policy, & will regulate my conduct accordingly, leaving the issue to him in whose hands we all are."⁷⁰ He repeated his futile instructions to Agent Baird to proceed to his post of duty in order to facilitate a happy outcome: an agent "may yet avert war." And when Agent Dodge was appointed to the position vacated by Baird, the Governor held to his course; war was undesirable, but the murderer must be apprehended, and, if necessary, Dodge could increase the reward for his apprehension to \$400.⁷¹

Sumner, on the other hand, was beginning to weaken on the proposition of deliver the murderer or war will result due to the pacific behavior of the Navaho after the above incidents, their obvious attempts to prevent trouble by returning the stolen property, and their point of view that the

69. Kendrick to AAAG, 5/25/53, AGO, LR, K13/53. Lane to Sumner, 6/12/53, *Ibid.*, N14/53. Sumner to Lane, 6/10/53, AGO, LS, VIII, 543ff. Lane to Sumner, 6/18/53, OIA, NMS, OL, I, 294.

70. Lane to Sumner, 6/12/53, AGO, LR, N14/53.

71. Lane to Baird, 7/8/53, AGO, LR, N14/53. OIA, NMS, OL, I, 317.

The commission as Navaho agent was sent to Henry L. Dodge, 5/7/53. He was killed by Apache Indians on November 19, 1856, while hunting thirty-five miles south of Zuni.

return of the murderer was not a tribal responsibility, or if it was, such a deed was impossible or fraught with even greater evil for them. Consequently, he gradually came to the opinion that war "would neither be justifiable nor politic" immediately. Furthermore, a change in the command of the ninth military department was rumored and it might be best to leave the problem to his successor, General John Garland.⁷²

The change of command proved to be more than a rumor. General Garland arrived at headquarters in Albuquerque on August 8. Meanwhile Lieutenant-Colonel D. J. Miles had taken over when Sumner left for the east and adopted a conciliatory policy. He merely made a display of force by sending Kendrick on a reconnaissance of the Navaho country in July, believing that a war would be long and costly, and in the ultimate treaty "the points in contention which caused the war will be veiled by a concession on our part." Of course the balance of the stolen sheep must be returned, and the "murderers, if they can be found—and they can catch them."⁷³ An unlikely happening since they were reported as living among the Utah Indians.

There was also a change in the civil administration, and the new governor, David Meriwether, found upon his arrival at Santa Fe in August that the delicate problem facing Lane had faded away for the time being. But in planning for the future he made certain recommendations to the commissioner. He accepted the principle "that the government must either feed and clothe these Indians to a certain extent or chastise them in a decisive manner." He proposed that the Indian title to land near the settlements be extinguished by treaty in order to remove the redman from contact with the vices of the white man, that annuities be granted to the Indians, and that any losses sustained from their depredations be deducted from the government appropriation. In

72. Sumner to Lane, 6/15/53, AGO, LS, VIII, 551, 553. Kendrick to AAAG, 8/15/53, AGO, LR, K19/53.

73. Miles to Kendrick, 7/3/53, AGO, LS, VIII, 555.

this view he was no doubt influenced by Major Kendrick who had observed that "those bands residing most remote from and having the least intercourse with the whites are in a much better condition than the others.

"Whilst he discribes the one party as being an abject and degraded people who rarely labour for their support he discribes the other as having the finest fields of corn and wheat that grows in the Territory." And the ones nearer the settlements, of course, were accused of being the trouble-makers.⁷⁴

In September, Agent Dodge brought a delegation of 100 Navaho, headed by Sarcillo Largo, to Santa Fe to talk with the new governor. On this occasion Meriwether tried to instill into their minds the conception of obedience to authority. He presented a medal with ribbon to each of six headmen and told them that they would be responsible for their respective bands. Largo was appointed captain over all the others and received more ribbon on his medal as a sign of his superior position.⁷⁵ Then some presents were distributed and the Indians returned home, but with what thoughts in their minds it is hard to say.

The need for delimitation of the Navaho country as recommended by Meriwether became a matter of increasing concern to the officials in New Mexico. The immense area of grazing country to the west was a natural attraction for the sheep grower of the Rio Grande valley. The region had

74. Meriwether to Manypenny, 8/31/53, OIA, LR, N153/53.

In the midst of the excitement in the spring, Lane had analyzed the situation: "All the Indians of New Mexico, except the Pueblo Indians, are Tenants at Will, & therefore under existing laws have no country of their own; and the White man is constantly encroaching upon them; & this is one cause of perpetual strife & violence, between the two races. To remedy this evil, Congress must, of necessity, meet the difficulty by assigning to the Indians a portion of country, which shall be legally their own, & upon which the White man cannot intrude." He suggested a north-south line about the 108 or 109 meridian as boundary between the two groups. OIA, NMS, OL, I, 208.

75. Meriwether to Manypenny, 9/19/53, OIA, LR, N177/53.

The governor was very favorably impressed with the personal appearance of the Indians: "They are a fine healthy looking people remarkably well clothed in fabricks of their own manufactory and appear to be the best fed and clothed Indians west of the Arkansas river."

a history of thefts of flocks by the Navaho and attempts to recover them by military or voluntary expeditions; but despite these losses and the occasional killing of a shepherd by the Indians, the practice was continued of grazing sheep far into the Navaho country. And, as Kendrick wrote, "it is to be regretted that owners of flocks . . . are placing an almost irresistible temptation to robbery before a people under whose exactions New Mexico has groaned for a third of a century."⁷⁶

Meriwether felt powerless to remedy this situation since the United States District Court had decided that New Mexico was not a part of the Indian Country and the intercourse laws did not apply.⁷⁷ Consequently, he renewed his recommendation in September, 1854, that a reservation be established, a plan that received the endorsement of General Garland: "if there is not some speedy action had upon this subject trouble will ensue."⁷⁸

In the midst of these reports to Washington, Congress took action in July, 1854, by appropriating \$30,000 to defray the cost of making treaties with the Apache, Utah, and Navaho, "by which permanent and well defined relations of amity shall be established between them and the United States." In the spring of 1855 Meriwether was appointed special commissioner to carry out the terms of the act. In order to keep the Indian stock off the army grazing grounds at Fort Defiance, and to allay any suspicion they might have had at being requested to assemble so close to the fort, the meeting was arranged at Laguna Negra, in July.⁷⁹

76. 2/10/54, OIA, LR, N233/54.

"I know not what explanation to make of such criminal recklessness, unless I am furnished the key to it in the remark made to me by one who seemed more anxious to protect his two or three mules than to recover his large flock of sheep, wh. had been stolen—viz. 'if I lose my *sheep* the government will pay for *them*.'" *Ibid.*

77. OIA, NMS, OL, I, 475.

78. Garland to AAG, 12/31/54, AGO, LS, IX, 261. Meriwether to Manypenny, 9/30/54, OIA, NMS, OL, II, 204.

79. Manypenny to Meriwether, 3/16/55, OIA, LB 51, p. 89. Kendrick to Meriwether, 5/28/55, AGO, LR, K11/55.

The governor followed very closely the instructions received from Commissioner Manypenny in regard to the terms of the treaty, and by the 18th the document was completed and signed. The provisions were as follows: "Peace, friendship and amity shall forever hereafter exist . . . ;" the Navaho agreed to remain at peace with all Indians, cede all claim to territory except as reserved, to cultivate the soil, and to remove to the reservation within twelve months. The reservation boundary ran from the south bank of the San Juan at the mouth of the Rio de Chelly, up the San Juan to the mouth of Cañada del Amarillo, up the Amarillo to the divide between the Colorado river and Rio Grande, along the divide southwest to the head of the main branch of the Zuñi river, down the northside to the junction with the Colorado Chiquito, thence north to the beginning point. Lands belonging to the Zuñi and Moqui pueblos were exempt, and also fifty square miles around Fort Defiance.

The President was empowered to grant lands in severalty and to issue patents, with restriction on the rights of alienation, when the individual Indian was considered competent for such responsibility. Other lands could be assigned them in exchange for mineral areas that might be found on the reservation. Necessary highways and railroads could be established as thought necessary. In return, the Navaho were to receive \$10,000 in 1856 and 1857, \$6,000 annually from 1858 to 1860, and \$4,000 annually from 1861 to 1876.

There were certain restrictions on the use of the annuities. The president should decide how much was to be spent for education and moral improvement, how much for farming, and how much to be given in cash. They were not to be applied to the payment of individual debts or tribal debts, but the president should decide what satisfaction was to be made for depredations.

Finally, no liquor was allowed on the reservation, and the Navaho agreed to assume responsibility for acts of indi-

viduals. Any grievances on their part could be redressed by appeal to the Indian agent.⁸⁰

Negotiations for the treaty went off fairly smoothly on the 16th and 17th. The first day some of the 1,500 Indians present displayed a bit of hostility, but Chief Manuelito apologized for their conduct. Meriwether knew, as he expressed it, that only the "boys" caused the trouble. One point of difficulty was the surrendering of bad men for punishment by the government. The governor insisted on this point because a bad Indian could not be distinguished from a good Indian when the military undertook an arrest. Incidentally a new head chief was elected. Sarcillo Largo resigned due to advancing age and Manuelito was elected in his place. Fourteen headmen signed the document; all, it was claimed, except Sandoval, chief of the band living in the neighborhood of Cebolleta that was friendly toward the whites, but at odds with their own people.⁸¹

The treaty, on the whole, was favorable to the Navaho, and marked a step forward in trying to carry out the happiness and prosperity clauses of the Washington treaty of 1849. The granting of land in severalty was in the direction of transforming the Indian into a responsible individual in keeping with the organization of the white man's society; in attaining this objective, education for his spiritual, moral, and physical improvement was to be provided. Of course the potential mineral wealth on the proposed reservation was reserved for the white man, and lines of communication to the westward were not overlooked. The eastern boundary was approximately parallel to the Rio Grande about 110 miles to the west, or about fifty miles west of Cebolleta, the westernmost settlement. Why a western boundary was stipulated is not clear because the land beyond Canyon de Chelly was little known. In general, the boundaries cut off

80. OIA, Unperfected Treaties, No. 274A.

81. "Talk" re signing treaty. OIA, LR, N486/55. Garland to AAG, 7/31/55, AGO, LS, IX, 381. Dodge to Manypenny, 8/2/55, OIA, LR, N498/55. Meriwether to Manypenny, 7/25/55, OIA, NMS, OL, II, 580ff.

a generous slice of grazing land for the whites and included the known arable lands of the Indians.

Unfortunately, the treaty was not ratified by the Senate after an unfavorable committee report. This action was partly due to opposition in the Territory; the eastern boundary of the reservation was considered to be too favorable for the Indians because too much land was closed to white settlement.⁸² However, financial assistance had been provided for the improvement of the Navaho. The sum of \$5,000 was appropriated annually, beginning in 1854, and expended for various and sundry purposes such as hoes, axes, tobacco, vegetable seeds, brass wire, butcher knives, Mexican sugar, and strings of coral. But such assistance was not intended to create a tribe permanently dependent on the government for support. The purpose was "*assistance to the Indians in locating themselves in permanent abodes, and sustaining themselves by the pursuits of civilized life.*"⁸³

While the dole system was being practiced and the Meriwether treaty was running its course, the Navaho remained nominally at peace, with an occasional unhappy episode, much as had been the case before the crisis of 1853. The first incident to mar the calm was the murder of a soldier near Fort Defiance, probably early in October, 1854. The problem and the policy to be followed were as usual, and were clearly stated by Kendrick:

I believe this outrage to indicate no hostility on the part of any Considerable number of Navajoes, but to be the act of a miscreant who is countenanced only by a few, who like himself are tired of an unusually long peace, and are anxious for excitement. Still, unless the amplest satisfaction is coerced for this deed we may expect a repetition of such things on a larger scale, & [coin?] as Great or Greater ones elsewhere.

82. *Santa Fe Weekly Gazette*, clipping in Miguel A. Otero to McClelland, 12/5/56, OIA, LR, O14/56. Meriwether to Manypenny, 1/23/57, *Ibid.*, N236/57. Legislative Memorial to Congress, January, 1857, *Ibid.* *Santa Fe Weekly Gazette*, 2/23/56.

83. Manypenny to Meriwether, 1/10/57, OIA, LB 56, p. 37.

I am sending for the Chiefs to come in here, & shall make a formal demand upon them for the delivery of the Murderer, but I have no idea that it will be yielded to in the *first instance*, for the Navajoes, however desirous a majority of them may be of peace, either from a real or fancied inability to do so, have never surrendered a guilty party, always affirming *that* to be impossible. Certainly there is no hope of their yielding to our demands unless they are backed by the display of a strong force of the proper kind to pursue them & their herds. Yet it is of so much importance that the principle of surrendering evil doers should be established among these *Indians*, when all further trouble with them will cease; that the strongest efforts ought to be made for it; or failing in this, so stringent an example should be made as not only to force the passively well disposed (a majority) to control the bad, but also to overawe all other tribes in this Territory, to whom it would soon become known. If an example is to be made of any tribe, it will be more likely to succeed with the Navajoes than with any other in New Mexico.

In the end either of these results will fully repay any exertions we may now make.⁸⁴

In due time Agent Dodge and Lieutenant Alley met the Navaho at Cariso, sixty miles north of the Fort. The Indians offered to pay for the dead soldier; the offer was met by "a reference to our *laws*, and our determination to execute them in this instance," which meant surrender the culprit or war would result. And eventually, to the surprise of the officials, the culprit was surrendered;⁸⁵ that is, if the identification were accurate. Moreover, "Major H L Kendrick and myself at the urgent request of Armijo the civil chief and Sarcillo Largo, the war chief and one hundred other principal men of the Nation, and after his identity was proven by a Sergeant and two soldiers, had him hung

84. Kendrick to AAG, 10/3/54, AGO, LR, K15/54.

85. Kendrick to AAG, 10/23/54, AGO, LR, K17/54. The status of chiefs was not as fixed as the government apparently believed or hoped for.

until he was *dead dead dead*.”⁸⁶ Kendrick was well pleased: “I deem the surrender of this criminal to be a national act as much as any which the Navajoes are capable of performing—It is the first one of the kind, in their history. . . .”⁸⁷

The white man’s conception of law had been enforced, but the Navaho profited little from the lesson. In the spring of 1856 another major incident occurred; a flock of 11,000 sheep, or so it was alleged,⁸⁸ was stolen and three herders were killed. The usual pressure was promptly applied: “As this is a grave offense you may assure the chiefs and head men of the tribe, that they *must* surrender the thieves or take the consequences.”⁸⁹ The military, however, did not press the matter vigorously due to lack of troops.⁹⁰ The responsible Navaho, on the other hand, showed a desire to pay damages and claimed, as usual, that the wrong doers were a few of their people who lived with the Utah. By the end of summer they paid 2,000 sheep, 52 horses, and three servants for the three dead herders.⁹¹ At a conference held at Santa Fe in September the surrender of the murderers was claimed by the Navaho chief to be impossible. “This I deem a moot point,” General Garland replied, “and will so consider it, and so it will be understood by the Navajo Nation.”⁹²

But the worst part of this episode was the discouragement experienced by the officials. Their high hopes aroused by the so called “national act” of two years before and their

86. Dodge to Meriwether, 11/13/54, OIA, LR, W349/55.

87. 11/11/54, AGO, LR, K19/54.

“The poor have committed a good many small thefts within the last three months all of which with the assistance of the well disposed and I am happy to say they form a large majority I have returned so far as they have come to my knowledge.” Dodge to Davis (gov.) 12/26/55, New Mexico Agent Reports, 1850-58.

88. Meriwether to Manypenny, 7/24/56, OIA, LR, N152/56.

89. W. W. H. Davis to Dodge, 4/8/56, OIA, NMS, OL, II, 63.

“The authorities have warned the farmers, as also have the Indians, not to drive their flocks into the Indian Country, but they still persist in doing, and the consequences must ever be depredations of this kind.” Davis to Manypenny, 4/9/56, OIA, LR, N104/56.

90. AAG to Kendrick, 7/26/56, AGO. LS, IX, 503.

91. Dodge to Manypenny, 9/30/56, OIA, LR, N177/56.

92. Garland to AAG, 9/30/56, AGO, LS, X, 20.

subsequent efforts to promote the welfare of the Indians had resulted in disillusionment. The slow process of trying to change the nomad by word of mouth, of alternating between explanations of the power of the government and encouragement in the practice of farming, all supplemented by the giving of presents, seemed futile. "Until they are taught the power of our government in a manner heretofore unknown to them, they will never respect it. All idea that they will regard one line of the Treaty of Laguna Negra, save those which refer to the reception of presents, may now be dismissed."⁹³ In fact, the chiefs apparently believed that their war strength was greater than that of the government.

For the next two years conditions changed little. An occasional theft occurred and considerable irritation developed over the Fort Defiance grazing grounds. The military claimed the hayfields by treaty right, the Navaho claimed them by hereditary right. The two parties almost came to blows in the summer of 1857 and the post garrison was reinforced temporarily.⁹⁴ Happily this crisis passed and the extra troops were withdrawn without seeing action. But the time was drawing near when the Navaho were to be "impressed" with the might of the United States, a step that the civil and military officials in the Territory now believed to be necessary.

"Still, whatever trouble they make, they are as yet the best Indians in New Mexico, and if the so called 'humane policy' is ever to succeed with any large tribe, it is with the Navajoes. There is no hope of its success until they are thoroughly convinced of our superior strength."⁹⁵ With this analysis we leave these Indians to be convinced, a lesson undertaken by the military in the summer of 1858 when a

93. Kendrick to AAG, 6/13/56, AGO, LR, K9/56. Dodge to Meriwether, 6/13/56, OIA, LR, N138/56.

94. Collins to Denver, 6/29/57, OIA, C1152/57. AAG to Col. W. W. Loring, 7/1/57, AGO, LS, X, 121.

95. Kendrick to Meriwether, 1/25/57, OIA, New Mexico Agent Reports, 1850-1858.

Navaho sped an arrow between the shoulder blades of a negro servant of the commander at Fort Defiance.⁹⁶

University of New Mexico.

Albuquerque, N. M.

96. F. D. Reeve, "Federal Indian Policy in New Mexico, 1858-80," **NEW MEXICO HISTORICAL REVIEW**, July, 1937.

NEWS NOTES

Seville, Spain, November 26, 1938.

As you probably know, Mrs. Bloom and John got home October 31st. We finally managed to start them from Paris on the 2nd, going home via Lisbon, Havana, Vera Cruz, Tampico, Monterrey, Torreon, and El Paso. I caught an Italian-South African ship at Marseilles which dropped me at Gibraltar Oct. 16th (Sunday). I was fixed up there on Monday—got acquainted at our American consulate; put most of my money in Barclays Bank; and found the “representante del gobierno de Burgos” a very pleasant gentleman—who asked me to convey his greetings to the director at the Archive here.

Tuesday I took the steamer across the harbor to Algeciras. There was such a crowd at the customs that it took me two hours to go through inspection, declaring and paying duty on the film I brought from Paris, and changing my money. Then I had to go to the police station in town, to be finger-printed and passed; then to another office for a “salvo-conducto” to Sevilla. The bus was to leave at 2 P. M., and by the time I got to that office every seat had been sold.

Fortunately I found comfortable hotel accommodations near by and staying over a day proved not so bad. For one thing, I got a good reserved seat for the next day. And as I had everything lined up, I could enjoy loafing a little and seeing the town.

Wednesday the “rapido” had tire trouble, so that we finally arrived in Sevilla about 10:30 P. M. instead of 7 o'clock. You can picture me walking the streets of Sevilla by moonlight, with my portfolio and typewriter and a mozo to carry my maleta and package of film—left the steamer trunk at the office till next day. Four hotels around the central plaza were full, so finally I told the man we would

try the "Madrid" where I did get in—rather luxurious for my purse but it was a delightful return to the old city. A great fronded palm just outside my windows, and in the moonlight I could see the white turreted walls and a fountain in the court below; and for an hour or so someone was playing Chaminade, Mozart and I don't know what else—while I was enjoying a hot bath and getting ready for a downy bed. And for desayuno in the morning I had *two* large cups of real Spanish chocolate—boy, it was good!

But that day I managed to get a room at the Vizcaina, where we were ten years ago. Full, like everything else in town, but the following day they gave me this room upstairs with a south window from which I see the top of the Giralda and the spires of the Cathedral. I'm surprisingly comfortable with room and all means for about \$10 a week; and only about five minutes' walk from the Archivo. Here the musical note is supplied by "Don Alberto" (the padre still living here and who is Cathedral organist) and several "cantadoras."

I got acquainted at once at the consulate—which is out near Exposition Park, in the building which was planned by Templeton Johnston. (He, as you remember, wrote the illustrated monograph published by the School of American Research, advocating that all business buildings facing the Plaza be in "Santa Fe" style and that the Plaza be extended eastward, to the Cathedral, its original dimension. That was before La Fonda and the post-office were built. One prominent lady commented that Johnson should be boiled in oil for making such a suggestion). I still get my mail there—quite a walk, but I enjoy it after a long morning in the Archive.

Dr. Cristobal Bermudez Plata, the director, welcomed me back very cordially at the Archivo, and on that first Saturday he helped me prepare the "Instancia" requesting permission to make photocopies of what we want. No, it was the following Wednesday when we got it off, because it was just two weeks later when the reply came from

Vitoria (the "jefe" under the Secretary of Education who is in charge of Libraries and Archives) saying that I should have to make a complete list by titles of all the papers I wish to photograph, and (2) that this list with my request must be presented to the Minister of Foreign Relations by the "representante" of our government in Burgos. As we have no official representative in Burgos, this doesn't look so good.

I went that afternoon to talk it over with Consul Bay—found he had left that morning for Burgos on business, and I did not finally see him until Friday of last week. Meanwhile I got busy on the list—afternoons and evenings, as I didn't want to sacrifice Archive hours. I used thin paper, 39 pp., and from our old notes and what I have been finding this past month I had nearly 1,000 titles. I made out a new "Instancia" (one page in formal style), added the letters I had from Governor Tingley and President Zimmerman as "certificaciones," and wrote also a "memorial" of two pages giving the historical significance of the coming Coronado Centennial and our desire for source material to aid in the study and teaching of Spanish history and culture.

Tuesday night the typewriter tension-cord broke—under all this strain, I guess; but I got it mended on Thanksgiving Day—which was significant perhaps? And yesterday I took my papers to the Consulate and left them with Mr. Bay to forward with his letter of transmission. He offered to do this, but told me frankly that he didn't think it would do any good. But I am more optimistic—I really think it will go through, though it may take several weeks. Today the director stopped at my desk and asked whether the papers had gone, and told me that the "jefe" was here from Vitoria. So I infer that he put in a good word in that quarter.

Now a little as to my Archive work. I find that I have, in these five weeks, had 27 working days and have been through 91 legajos. Ten years ago Mrs. Bloom and I limited ourselves pretty closely to the 17th century; now I

am covering the entire range of our Spanish period and also a broader background. The 16th century papers are rather heavy going but they are fascinating—and I am looking for Coronado material. Just this week I found that he had three daughters who were married to three sons of the Bocanegra family; and I've located several other papers but nothing yet of great importance. I have several new papers on Oñate also. In a "probanza" of 1578 a curious idiom caught my eye: one witness testified that he was in Zacatecas at the time when Don Christobal and his brother Don Juan were born "de un solo vientre." In other words, they were twins! And as Christobal was sworn to be 26 years old, Juan's birth-year is established as 1552. Fernando was the oldest and head of the family since the father's death; Alonzo was the fourth and last son; and there were two sisters.

Just yesterday I came on a "stray" paper (as to dates and subject of the legajo),—a memorandum sheet recording the decisions in Council on the appeal by Oñate against the modifications of his contract by Viceroy Monterrey. Without date but fits in 1602 and has the secretary's rubric. This is not new information but it will be interesting to compare with other Oñate papers. Another "stray" I came across was the original autograph letter of Hernan Gallegos of May 1583. This was published years ago by Bolton but, I believe, from the text as given in the "Documentos Ineditos." This original may have been "lost" ever since that edition of about 80 years ago. A similar original I listed this week is the letter of Antonio de Espejo in Madrid, May 10, 1583; and still another curiosity is the letter of Capt. Vicente Gonzales who reported a voyage up the coast to Bimini towards Los Vacallaos (Newfoundland); a great port; many pearls; a cacique who wore golden earrings; much copper which came from the foot of those mountains and "five days" journey beyond this range lies New Mexico." Here there were great houses of four or five stories, and

there were many small cows and much silver; and there was "some river which gave passage to the other sea." (Colorado?)

For later times among other things I have listed the Pedro Vial diary of 1788 with map from Santa Fe to Natchitoches; and a number of Pedro Bautista Pino papers, including the original printed "Exposicion sucinta." The later Barreiro and Escudero editions (of 1832 and 1849) omitted some of Pino's notes—one of which speaks of his establishing two settlements on the upper Pecos in 1795!

Do you remember my short paper on the founding of Albuquerque and Galisteo, in which I believed I was correcting Bancroft, Hodge, et al? One of the first things I discovered here was that Cuervo y Valdes reported that he had founded both Santa Maria de Garcia de Galisteo and the villa of Santa Maria de Grado, "between the two rivers." But the latter was utterly abortive, if we are to believe the formal report by the cabildo of Santa Fe who later visited the site under the order of Governor Peñuelas. I wonder if this could have been an effort to re-occupy the San Gabriel site? I'm not taking time now to study some of these matters very closely. (No, it was in the Valley of the Cañada)

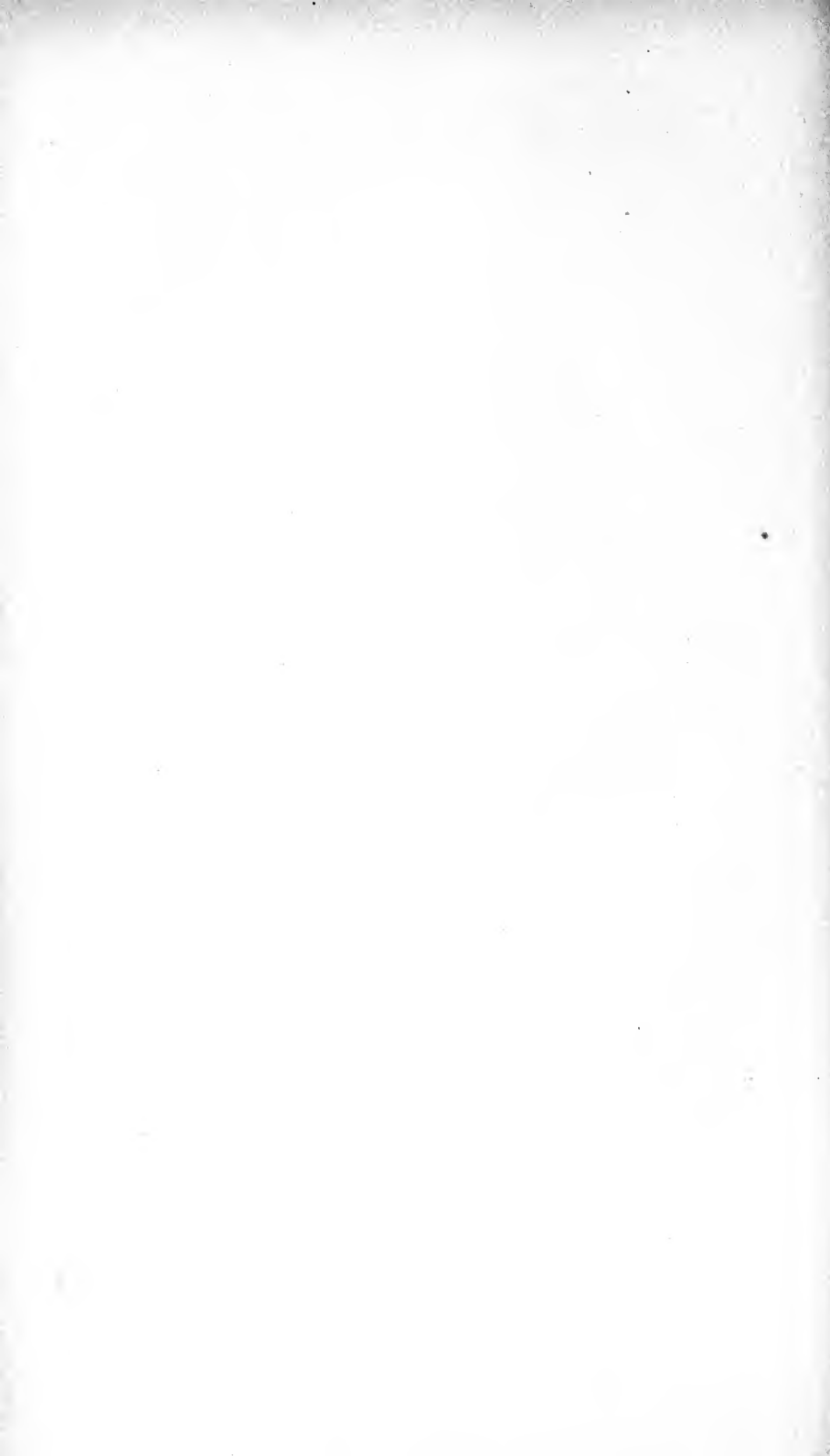
One of the most interesting groups of data I have been assembling relates to the "encomienda" of 4,000 pesos which Vargas secured at the time of his second appointment—in recognition of his reconquest of New Mexico. This grant was confirmed in Mexico City in the spring of 1703, about a month before he made that will which has not turned up yet! When word of his death reached Spain, his son-in-law, Villanueva, filed claim for this "encomienda"; and after his death his widow, left with three maiden daughters and a little son, revived the claim in 1709. The claim was again presented in 1737 by the son—author of the book in 1740 cited by Espinosa in the April '35 issue of the NEW MEXICO HISTORICAL REVIEW. Apparently it again lapsed, for in 1764 the king ordered the treasury officials in Mexico to pay up what was in arrears and pay yearly during the

balance of Villanueva's life. I have seen no indication that any attempt was made to make collections from the Indians in New Mexico under this "encomienda!" This material is scattered in a dozen different places, but it fits together.

This morning I was making notes on various papers of Luis de Carabajal and Espejo—the trial of the latter for killing two men—his brother also was involved and shared the penalties. About the last thing I listed was a letter from Viceroy Velasco to a missionary in Tampico (on the Panuco River) telling him among other things to get information about tribes reported *between* the Rio de las Palmas and the Rio Bravo (which he also calls the Rio Grande.) I told Castaneda I thought he was wrong in identifying those two rivers in his *Catholic Heritage*; now I can prove it.

LANSING B. BLOOM.





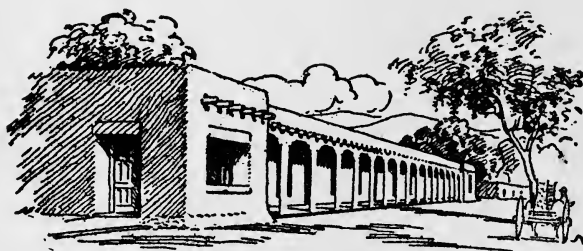
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NEW MEXICO HISTORICAL REVIEW

VOL. XIV

APRIL, 1939

No. 2



PALACE OF THE GOVERNORS

PUBLISHED QUARTERLY BY
THE HISTORICAL SOCIETY OF NEW MEXICO
AND
THE UNIVERSITY OF NEW MEXICO

NEW MEXICO HISTORICAL REVIEW

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VOL. XIV

APRIL, 1939

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CONTENTS

New Mexico's Fight for Statehood—Part II

Marion Dargan 121

The American Occupation of New Mexico

Sister Mary Loyola 143

Notes from Secretary Bloom in Seville

200

Book Reviews:

So Live the Works of Men . . . Wayne Mauzy 204

Ancient Andean Life P. A. F. W. 206

The Historian P. A. F. W. 208

The History of History 209

Necrology 211

Subscription to the quarterly is \$3.00 a year in advance; single numbers (except Vol. I, 1, 2, and II, 1) may be had at \$1.00 each.

Volumes III-XII can be supplied at \$4.00 each; Vols. I-II are out of print in part.

Address business communications to Mr. P. A. F. Walter, State Museum, Santa Fe, N. M.; manuscripts and editorial correspondence should be addressed to Mr. Bloom at the University of New Mexico, Albuquerque, New Mexico.

Entered as second-class matter at Santa Fe, New Mexico
UNIVERSITY PRESS, ALBUQUERQUE, N. M.

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(INCORPORATED)

Organized December 26, 1859

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CONSTITUTION

OF THE

HISTORICAL SOCIETY OF NEW MEXICO

(As amended Nov. 19, 1929)

Article 1. *Name.* This Society shall be called the Historical Society of New Mexico.

Article 2. *Objects and Operation.* The objects of the Society shall be, in general, the promotion of historical studies; and in particular, the discovery, collection, preservation, and publication of historical material, especially such as relates to New Mexico.

Article 3. *Membership.* The Society shall consist of Members, Fellows, Life Members and Honorary Life Members.

(a) *Members.* Persons recommended by the Executive Council and elected by the Society may become members.

(b) *Fellows.* Members who show, by published work, special aptitude for historical investigation may become Fellows. Immediately following the adoption of this Constitution, the Executive Council shall elect five Fellows, and the body thus created may thereafter elect additional Fellows on the nomination of the Executive Council. The number of Fellows shall never exceed twenty-five.

(c) *Life Members.* In addition to life members of the Historical Society of New Mexico at the date of the adoption hereof, such other benefactors of the Society as shall pay into its treasury at one time the sum of fifty dollars, or shall present to the Society an equivalent in books, manuscripts, portraits, or other acceptable material of an historic nature, may upon recommendation by the Executive Council and election by the Society, be classed as Life Members.

(d) *Honorary Life Members.* Persons who have rendered eminent service to New Mexico and others who have, by published work, contributed to the historical literature of New Mexico or the Southwest, may become Honorary Life Members upon being recommended by the Executive Council and elected by the Society.

Article 4. *Officers.* The elective officers of the Society shall be a president, two vice-presidents, a corresponding secretary and treasurer, and a recording secretary; and these five officers shall constitute the *Executive Council* with full administrative powers.

Officers shall qualify on January 1st following their election, and shall hold office for the term of two years and until their successors

Article 5. *Elections.* At the October meeting of each odd-numbered year, a nominating committee shall be named by the president of the Society and such committee shall make its report to the Society at the November meeting. Nominations may be made from the floor and the Society shall, in open meeting, proceed to elect its officers by ballot, those nominees receiving a majority of the votes cast for the respective offices to be declared elected.

Article 6. *Dues.* Dues shall be \$3.00 for each calendar year, and shall entitle members to receive bulletins as published and also the *Historical Review*.

Article 7. *Publications.* All publications of the Society and the selection and editing of matter for publication shall be under the direction and control of the Executive Council.

Article 8. *Meetings.* Monthly meetings of the Society shall be held at the rooms of the Society on the third Tuesday of each month at eight P. M. The Executive Council shall meet at any time upon call of the President or of three of its members.

Article 9. *Quorums.* Seven members of the Society and three members of the Executive Council, shall constitute quorums.

Article 10. *Amendments.* Amendments to this constitution shall become operative after being recommended by the Executive Council and approved by two-thirds of the members present and voting at any regular monthly meeting; provided, that notice of the proposed amendment shall have been given at a regular meeting of the Society, at least four weeks prior to the meeting when such proposed amendment is passed upon by the Society.

Students and friends of Southwestern History are cordially invited to become members. Applications should be addressed to the corresponding secretary, Lansing B. Bloom, University of New Mexico, Albuquerque, New Mexico.



NEW MEXICO HISTORICAL REVIEW

VOL. XIV

APRIL, 1939

No. 2

NEW MEXICO'S FIGHT FOR STATEHOOD (1895-1912)

By MARION DARGAN

II. THE ATTITUDE OF THE TERRITORIAL PRESS (1895-1901)

HAVING discussed the attitude of the political leaders of the latter part of the 1890's toward statehood, we shall now consider that of the newspapers of the territory.¹

In 1901, when the movement for statehood for New Mexico had assumed the proportions of a real boom, Governor Miguel A. Otero made a significant statement. In his report to the Secretary of the Interior, he said: "Prior to the advent of the railroads and the introduction and maintenance of the public school system it is an admitted fact that New Mexico was not prepared for statehood."²

Certainly the coming of the railroad promised to do much for the development of the frontier territory, nor did this escape observers at the time. In spite of thousands of traders who had followed the Santa Fe trail to the ancient city, New Mexico remained isolated for thirty years after the American occupation. In the early 1880's Geronimo and hostile Apaches were making destructive raids into the territory, yet Governor Lionel A. Sheldon in his reports for 1881 and 1883 made only a passing mention of these matters.³ The thing which he featured in both reports was

1. The distinction between political leaders, newspaper men and "the people" is made for convenience only. Naturally, there was considerable overlapping. Thus Max Frost and Thomas Hughes both belonged to the first group as well as the second, while Solomon Luna and J. Francisco Chaves were leaders in business as well as in politics.

2. *The Report of the Governor of New Mexico to the Secretary of the Interior* (Government Printing Office, Washington, D. C., 1901) p. 23.

3. *Ibid.* (1883), p. 551. No mention was made of the Indian raids in the report for 1881, and no report was made for 1882.

the progress made in the construction of railroads into the territory. Among other developments, he pointed out that by June, 1881, the Atchison, Topeka and Santa Fe had been completed to Deming, where it connected with the Southern Pacific; and that the Atlantic and Pacific, beginning at Albuquerque, already extended for some two hundred miles toward the California coast.⁴ The establishment of better means of communication with the outside world, the governor claimed, had already brought about thirty thousand people into the territory.⁵ He added: "Along the lines of the railroad the old towns show considerable growth, and many new ones have been founded, some of which are quite large, and all have the appearance of activity and thrift."

If Sheldon had followed a practice, adopted by later governors, of listing the newspapers of the territory, he would probably have noted that their number had greatly increased almost over-night. While the figures do not inspire complete confidence, one recent historian says that nine weekly newspapers and one daily were being published in New Mexico in 1879.⁶ He continues: "In the short space of three years the number of publications increased to thirty-eight, consisting of six dailies, twenty-seven weeklies, two semi-weeklies, one monthly and one semi-monthly." In 1900 Governor Otero stated in his Report to the Secretary of the Interior that the territory had five dailies and fifty-eight weeklies.⁷ In 1910 there were only three dailies and eighty-six weeklies.⁸

4. *Report of the Governor of New Mexico* (1881), p. 987. The original plan was for the Atchison, Topeka and Santa Fe to run from Deming to Guaymas, Mexico. This seaport on the Gulf of California is the center of a fruit and vegetable country. Later, a deal was made and the Southern Pacific went into Guaymas, while the Atchison, Topeka and Santa Fe bought the Atlantic and Pacific. The destination of the latter railroad was San Francisco, Los Angeles being unimportant in 1880.

5. *Ibid.* (1883), pp. 553, 557.

6. Coan, Charles F., *A History of New Mexico* (Chicago, 1925), vol. 2, p. 492.

7. *Report of the Governor of New Mexico to the Secretary of the Interior* (1900) p. 439. A list of the newspapers of the territory accompanies the figures given above. Ayers' *American Newspaper Annual* (Philadelphia, 1900), p. 544, gives only four dailies and forty-five weeklies.

8. Coan, *op. cit.*, p. 494.

When one checks the figures given in the reports of the governors of the territory with those in Ayers, *American Newspaper Annual*, they do not agree. These discrepancies are due partly to carelessness, and partly to the fact that weekly papers sometimes sprang up in small frontier towns like Jonah's famous gourd, and as quickly withered away. It took very little money or equipment to make a start. A few cases of type, a Washington hand press and a Gordon job press were sufficient. On the other hand, subscribers, advertisers, job printing, territorial contracts, and even subsidies were needed to keep going. One rather influential weekly was discontinued in the thirteenth year of its existence, because the newspaper office had been washed away in a flood!⁹ Many others—not fortunate enough to last so long—were practically still-born, while some lost their identity through being merged with rival sheets.

Col. Ralph E. Twitchell, who as an attorney for the Atchison, Topeka and Santa Fe Railroad Company, possessed much inside knowledge, had a rather contemptuous attitude toward the press. Speaking of the backwardness of culture under the American regime, he said: "The publication of a newspaper in English and Spanish accomplished little inasmuch as only a very small percentage of the people could read or write either language."¹⁰ This was true to a large extent. However, whether it was read or not, the common type of newspaper in New Mexico in territorial days was the small town weekly. Yet the dailies, located in the more progressive centers of population along the railroads were to exercise an influence out of all proportion to their numbers. This was due, not only to their strategic location, but also to their abler leadership, their more frequent publication, larger circulation and better chances for continued support. While they, too, occasionally changed hands or politics, as a rule, they enjoyed longer life and greater con-

9. The *San Marcial Bee*. The flood occurred in October, 1904. The *Bee* never resumed publication. *History of New Mexico* (Pacific States Publishing Co., Los Angeles, 1907), vol. I, pp. 478-479. Hereafter this work will be cited by title only.

10. Twitchell, Ralph E., *Old Santa Fé* (Santa Fé, 1925), p. 455.

tinuity in editorial policy. This may be illustrated by a brief glance at the early newspaper history of Albuquerque.

But first a word regarding the origin of the town itself. This may well be quoted from a little booklet published anonymously by "George F. Albright, Printer, Albuquerque" in February, 1892. This unknown writer says:

The site of the present city of Albuquerque was staked out for a town in the summer of 1880. There had been a Mexican town of the same name on the banks of the Rio Grande, about a mile and a half distant, for some two hundred and fifty years, but the founders of the new town wisely determined that they would not attempt to engraft the new upon the old, consequently, upon the arrival of the Atchison, Topeka & Santa Fe railway at this point, passing about two miles distant from the old town, they purchased a tract of land adjoining the railway and laid out a new town according to modern methods, with broad streets running at right angles, but little dreaming that the village of which they were then laying the foundation was to become in the course of one decade, the commercial, financial, educational and railway centre of all that empire known as the southwest."¹¹

About 1880 New Albuquerque consisted of only a few tent saloons and dance halls in the vicinity of the railroad tracks,¹² but newspaper men were willing to gamble on its winning out over the rival towns of Socorro, Las Vegas and Santa Fe. While six weeklies had been published in Old Albuquerque up to and including the year 1880,¹³ the first daily published there was the *Golden Gate*,¹⁴ established in that year by E. W. Deer, a Kentuckian. Deer died in the fall of the same year, and his paper was continued for a few months only. James A. Spradling, a newcomer from Las

11. *The Land of Sunshine: A Description of Albuquerque, New Mexico and Surrounding Country* (Albuquerque, 1892), p. 1.

12. *History of New Mexico*, vol. 1, p. 472.

13. Shelton, Wilma M., *A Checklist of New Mexico Newspapers* (University Bulletin, Dec. 1, 1935), pp. 5-8.

14. *History of New Mexico*, vol. 1, p. 470.

Cruces with some experience in newspaper work, carried it on after the death of Deer. In 1880 he organized a company and began to publish the *Albuquerque Morning Journal*.¹⁵ After conducting this paper in Old Albuquerque for a year or two, Spradling sold out and moved to Santa Fe. He and Deer passed quickly from the scene, but the years 1880 and 1881 witnessed the arrival of four men with newspaper experience—all directly from Missouri or Kansas—who were to be connected with one or more of the daily newspapers of the growing center on the Rio Grande for an average of about thirty years.

One of these newcomers who was to be an outstanding leader in the newspaper business in Albuquerque was Thomas Hughes, a native of famed Pike County, Missouri.¹⁶ Having picked up an education in printing offices in Kansas and Missouri, Hughes started his own paper at the age of nineteen. Arriving in Albuquerque in the spring of 1881, he bought the *Morning Journal* from Spradling and conducted it for one or two years. In 1886 he purchased the *Evening Citizen*, and he and W. T. McCreight managed it for twenty years. "They were a pair of hustlers, and put out the snappiest paper in the state," said an anonymous contributor to the *New Mexico State Tribune*.¹⁷ The *Citizen* claimed the largest circulation of any newspaper in New Mexico. Both Hughes and McCreight frequently visited various points in the territory to boost their paper. In 1902 the former traveled over the territory a good deal and the *Citizen* featured a series of articles describing the resources and educational facilities of the leading towns.¹⁸ Extra copies of these issues were sent to Delegate Rodey for distribution. Hughes was as closely identified with Republican

15. *Ibid.*, p. 471.

16. *Ibid.*, pp. 471-472.

17. *New Mexico State Tribune*. Sept. 24, 1932. The article, which appeared under "The Public Forum," was signed "The Pinhead." The *Tribune* for Sept. 26 contained a letter from W. T. McCreight, in which he stated that he agreed fully with statements made by this anonymous writer.

18. See the *Citizen* for February and March, 1902.

politics as he was with the newspaper business. A shrewd political leader, he served for four terms in the Territorial Council,¹⁹ where he gave able support to the founding of a state university in his home town.²⁰ He was regarded as quite a character, as well as one of the best editorial writers in the Southwest.²¹

Hughes' partner, W. T. McCreight, arrived in Albuquerque the year before the Pike County man, and was connected with the newspaper game there for about sixteen years with Hughes and then for twenty after the death of the latter.²² While in St. Louis to purchase a new printing outfit, Spradling had advertised for a printer to go to New Mexico. Thus on his return to the territory he was accompanied by this young Kentuckian, who had recently sold his interest in a newspaper in his native state for sixty dollars. A fast typesetter and an all-around newspaper man, McCreight possessed a wonderful memory and a likeable disposition. He promoted the first baseball club and the first typographical union, as well as a fire department for Albuquerque. He always celebrated his birthday by passing out cigars or other gifts for his associates.²³ An old timer who did not quit the newspaper business until 1924,²⁴ he was frequently called upon "to write a few words" about friends or acquaintances who had passed beyond.

19. Coan, *op. cit.*, p. 151.

20. W. T. McCreight in *New Mexico State Tribune*, Feb. 28, 1928.

21. *History of New Mexico*, vol. 1, p. 472.

22. McCreight arrived in Old Albuquerque on Sept. 17, 1880; for some months in 1882 he was business manager and editor of the *Socorro Sun*; he bought a half-interest in the *Albuquerque Citizen* in 1888; retired from the newspaper business in 1924; died on April 26, 1937. *Ibid.*, pp. 471-473. See also his obituary in the *Albuquerque Tribune*, April 27, 1937, as well as the *Albuquerque Morning Journal*, July 7, 1933, *New Mexico State Tribune*, Sept. 24, 1932, and the McCreight Papers in the University of New Mexico Library. For a convenient resume of much of this material, see Goff, Harold R., "History of the Daily Newspapers in Albuquerque," an unpublished paper in the University of New Mexico Library.

23. *Albuquerque Evening Journal*, Aug. 4, 1933.

24. *History of New Mexico*, vol. I, p. 473, says: "McCreight is probably the oldest American printer from the states, not in age, but in actual service, in the southwest." This statement appeared in print in 1907. McCreight continued in the newspaper business for seventeen years after this.

W. S. Burke was a veteran of the Civil War who came to Albuquerque in 1881 or a little later.²⁵ He never attended school in his life, but learned the printer's trade in West Virginia and practiced it in Iowa and Kansas. Though handicapped by poor health, he worked as an editorial writer for the *Journal* and other papers. Taking his cue from the policies of the paper for which he was working, he made a skillful use of both satire and scripture. A friend of A. A. Grant, the railroad contractor who was one of the founders of the modern city of Albuquerque, Burke's chief aim was to boost the climate and other resources of his adopted home. His enthusiasm was not even dampened by the spring sand storms, which he said clarified the atmosphere. Since he was self-educated, it is interesting to note that he founded the school system of Albuquerque and Bernalillo County. It is also of interest that his native state was Pennsylvania—a commonwealth which was to contribute generously both in men and capital to the fortunes of New Mexico. Whether this pioneer editor in the distant territory had anything to do with starting the migration of sons of the keystone state along the Santa Fe trail must, however, be left to conjecture. Time was to show, however, that for one reason or another, leading politicians of Pennsylvania were to work mightily for the admission of New Mexico to the union as a state.

John G. Albright was an Ohio man of German ancestry who migrated to Kansas in 1870.²⁶ Having acquired some newspaper experience there, he went to New Mexico ten years later and started the *Santa Fe Evening Journal*. Eighteen months later he moved his press in a wagon drawn by two oxen to the new town of Albuquerque. Though he had difficulty in finding a place to spend the first night, there being no hotel in the village just springing up by the railroad, he was soon publishing the *Albuquerque Evening Democrat*. Later he bought out the *Morning Journal* and another rival paper and combined them into the *Journal*-

25. *History of New Mexico*, vol. I, p. 471-472.

26. Coan, *op. cit.*, pp. 285-287.

Democrat. Albright sold this paper to a stock company headed by A. A. Grant in the fall of 1886 and quit newspaper work for five years. Later, however, he became the publisher of the *New Mexico State Democrat*. A *Democrat* for years, Albright finally turned Republican in disgust when Woodrow Wilson was nominated over Judson Harmon, favorite son of the "colonel's" native state. "Both as a newspaper man and as an individual citizen," says one historian of New Mexico,²⁷ "no one has ever contributed more loyally to the progress of Albuquerque than Mr. Albright." He and his associates fought in determined fashion to make Albuquerque, instead of Socorro the metropolis of New Mexico.

Newspaper men have the reputation of being great wanderers, but it is evident from the facts given above that during the last thirty years of the territorial period the daily newspapers of Albuquerque were being conducted by professional newspaper men who regarded New Mexico as a permanent home. While no other town in the territory could quite match these facts, there were a number of other men in New Mexico who were connected with the newspaper business over a period of years during the course of the statehood fight. Under these circumstances it was natural that the territorial press should take a very active part in the movement. Not just to fill up space, or because as the least inaudible members of society "the gentlemen of the press" are naturally drawn into any agitation. But rather because the men who owned the papers and wrote the editorials were themselves American citizens who felt that they were being unjustly robbed of the full rights of citizenship which each of them had enjoyed prior to taking up his home in a territory. They resented being ruled like a conquered province by carpetbaggers. They looked forward to statehood as the dawn of a better day. Doubtless they also thought of it in terms of a substantial increase in population, greater prosperity and larger newspaper circulation.

27. *Ibid.*, p. 286.

However, one must not think that the newspaper men acted solely or even chiefly on their own initiative. As a matter of fact, the press in New Mexico during territorial days was, as a rule subsidized directly or indirectly by corporations—principally railroads and their affiliates—and by political leaders and a few others who had special interests in legislation and in territorial or local affairs. Few, if any, of the newspapers made their expenses. Most of them did job printing, and the awarding of printing contracts by territorial and county officials greatly affected political alignments, and may be considered in the light of subsidies. Passes issued by the railroads were highly prized by editors and publishers, and the railroads were quite liberal in distributing them among the members of the press.

The greatest influence over the press was exercised by the Atchison, Topeka and Santa Fe Railroad Company, whose chief representative in New Mexico for twenty-five years was Henry L. Waldo of Las Vegas.²⁸ The son of a Missourian, who had been a freighter and trader over the Santa Fe trail as early as 1829, Waldo soon gave up his father's occupation to study law. His success in this profession is indicated by his appointment by President Grant as Chief Justice of the Supreme Court of New Mexico in 1876. A few years after the railroad entered the territory, Waldo became the chief counselor for the corporation in all of its business relations in New Mexico. He was a likeable man who combined great integrity, a keen legal mind, vision, and real concern for the prosperity of the section which his railroad served. Although he was a Democrat, he usually went along with the Republicans. While never a member of the territorial legislature, his influence in that body and with the authorities was very far-reaching. With the assistance of able lieutenants who stood close to the territorial administrations and who were on the inside of many maneuvers to control the legislature, he protected corporate interests from "demagogues and agitators." As

28. Twitchell, *Old Santa Fé*, p. 399.

he was at the same time sympathetic with the people of the territory, his friends felt that he served two masters, and did it well.

Only tentative conclusions may be stated regarding the attitude of the Atchison, Topeka and Santa Fe toward statehood. Railroads are naturally interested in the development of the region which they serve. Frank Hodder showed some years ago that plans for a railroad to the Pacific coast were behind the bill which Stephen A. Douglass forced through Congress in 1854 to organize the territories of Kansas and Nebraska. We shall see later that the promoters of the New Mexico Central Railroad pushed strongly for the admission of New Mexico as a state during the opening years of the twentieth century. Furthermore, Waldo was such an outstanding man that it was often predicted that he would be a United States senator when statehood came. However, it is said that the Santa Fe was opposed to statehood in 1902, and that this was told to Beveridge when he visited the Southwest in that year. As we shall see, the railroads and large mining corporations fought the joint admission of Arizona and New Mexico in 1906. Since the Santa Fe was the largest taxpayer in New Mexico, and ranked alongside of the mining corporations in Arizona, we need not be surprised if its officials lacked enthusiasm for the *immediate* assumption of the heavier burden necessary to support one or two state governments in semi-desert country. Dodging taxes was a general practice in territorial days, and far-sighted men realized that it would not be as easy under a state government.

Very likely in earlier days Waldo and other representatives of the railroad shared Catron's faith that statehood would bring a great increase in population and boom land values. The newspaper campaign for the admission of the territory doubtless seemed good publicity for the section served by the corporation. Furthermore Congress could be depended on to delay the longed for event until there were many more people and corporations in the territory to

share the higher cost of statehood. When the movement had become popular, it was felt to be unpatriotic to oppose it, and representatives of the Santa Fe resented Beveridge's methods of investigation and his conclusion that New Mexico was unfit for statehood. Doubtless at times they regarded statehood as a necessary evil which was bound to come, but which might be delayed by subtle propaganda. In the long run, however, officials hoped that the increase in freight and passenger traffic would more than make up for the higher taxes. Certainly the powerful lobby which the railroads maintained in Washington helped to bring about the final enactment of the enabling act.

The key man through whom the railroads and other corporations influenced the weekly press of the territory was Colonel Max Frost of the *Santa Fe New Mexican*. As secretary and dominating mind of the Bureau of Immigration, he circulated tons of propaganda to interest settlers in coming to New Mexico.²⁹ Governor Herbert J. Hagerman stated in 1907 that about \$60,000 had been appropriated and spent for this publicity work which might well have been carried on by the railroads to increase their own business.³⁰ The young reform governor would hardly deny, however, that Frost was a master of the art of propaganda. The latter had also organized a secret press bureau to influence the smaller weeklies throughout the territory. He supplied these papers with news items and editorials, speaking favorably of legislation or movements in which Waldo or other representatives of the railroads and corporations were interested. Many of these papers were subsidized by being sent occasional checks ranging from ten to one hundred dollars.

Easily the most influential newspaper man in New Mexico for years, Frost deserves more than passing mention. Even a brief sketch of his career will recall many phases

29. See the *Biennial Report of the Bureau of Immigration*.

30. *Message of Herbert J. Hagerman, Governor of New Mexico to the 37th Legislative Assembly, January 21, 1907* (Santa Fé, 1907), p. 25.

of the history of the territory for a third of a century prior to the passage of the enabling act by Congress nine months after his death in 1909. A native of Vienna, Austria, Frost had come to Santa Fe a few years before the coming of the railroad to construct a military telegraph line into the territory.³¹ A little later he led an expedition to suppress outlaws and renegade Navajos and Utes who were stealing cattle and committing other depredations in the San Juan country. Frost was a handsome man, of distinct military bearing and persuasive eloquence. He soon became a great favorite with the ladies, and won the friendship of the officers at Fort Marcy. Through such contacts, and by virtue of the positions of influence which he held, he became an outstanding figure in territorial affairs. He was register of the United States land office in Santa Fe, was a member of the Republican central committee for twenty-five years, and dominated the Bureau of Immigration almost from its inception.

Frost will be remembered, however, as the editor and owner of the *New Mexican*. When a newcomer to the territory, he became a correspondent on the staff of the paper, at that time the only daily in New Mexico. In seven years he was its editor, and in 1883 he became its owner.³² "As managing editor of the *New Mexican* Colonel Frost achieved his greatest success," says Twitchell in his *Leading Facts of New Mexican History*. "Through the columns of that newspaper he was able to mold public opinion in a manner unsurpassed by any journalist in the West. In the ranks of the party press of Republican faith there has appeared no successor to Colonel Frost. He exercised great power and influence in the councils of his party, and through the columns of his newspaper did more than any other in the upbuilding of the territory."³³

31. Twitchell, Ralph E., *Leading Facts of New Mexican History* (Santa Fé, 1925), vol. 2, p. 498, note.

32. *History of New Mexico*, vol. I, p. 469.

33. Twitchell, *op. cit.*, p. 499.

Frost was a man of strong prejudices and intense dislikes, but of unwavering loyalty to his friends. He came into conflict at times with Thomas B. Catron and others³⁴ whose interests ran contrary to his own, or who would not bow to his desires. Governor Otero and Judge Waldo were among his friends.³⁵ After the war with Spain, he distrusted those of the Rough Riders who had the ear of Theodore Roosevelt. Secretly, if not always openly, he fought men of the type of W. H. H. Llewellyn,³⁶ although he often utilized the major to further legislative and political objectives. All in all, the editor of the *New Mexican* was a unique figure who in many ways, directly and indirectly, dominated the political and journalistic scenes in the territory for more than two decades.

Always a quick thinker, when illness confined him to his bed, he still kept in contact with different parts of the territory by telephone. He was afflicted with locomotor ataxia and finally became blind. This and failing health compelled him to relinquish the conduct of the paper to an understudy,³⁷ but such was the magic of the name he had built up³⁸ that the policies he had established were maintained even after he was totally incapacitated. Gradually, however, and almost imperceptibly old feuds were dropped and new issues advocated. Statehood, however, remained a favorite issue, although objections on the part of some of the interests—because of the certainty of increased taxes—at times made themselves felt.

34. Such as Governor L. Bradford Prince, George H. Wallace, and Albert B. Fall.

35. Charles A. Spies, W. A. Hawkins and Arthur Seligman may also be counted among his friends.

36. These included Capt. Frederick (Fritz) Muller and Capt. W. E. Dame.

37. Paul A. F. Walter.

38. Frost was so intimately tied up with the life of old Santa Fé that an old timer who visited that city in 1929 wrote in the *Albuquerque Morning Journal*: "I looked around for Col. Max Frost, the man with a brilliant brain, but with a seriously decrepit and afflicted body, and blind, but there was no Max Frost. However, the paper—the *New Mexican*—on which he wielded a stinging, wicked pen, against his political and personal enemies, is still in existence, . . ." W. T. McCreight in *Albuquerque Morning Journal*, July 2, 1929.

While a paper of the same name had appeared as early as 1847, the *New Mexican* as Frost knew it was started as a weekly by Manderfield and Tucker in 1863.³⁹ It was printed partly in English and partly in Spanish. Becoming a daily five years later, it remained the only one in New Mexico up to 1880. Between 1881 and 1883 the paper belonged to a company organized by officials of the Atchison, Topeka and Santa Fe Railroad Company. From 1883 until his death—with the exception of the years 1894 to 1897—Max Frost was one of its owners. During the three years' interval referred to, it was owned by Governor W. T. Thornton and his associates, and was of course a Democratic paper. With this exception, it always advocated Republican principles. Being the only daily newspaper at the territorial capital, the *New Mexican* naturally was in closest contact with territorial and federal officials, legislators, and visitors of note—a situation of which Frost took advantage with Machievellian skill. He reproduced in the columns of the *New Mexican* excerpts from other newspapers, which he had supplied in the first place, as well as interviews which he bent to his own purposes. He ran a feature under the heading "Men of the Hour," in which pictures of territorial notables were reproduced with flattering biographical sketches. Even the society columns of the paper were utilized to show preference to those who were friendly, rigid instructions being given to reporters to list names of those attending social functions in accordance with the individual's official or social standing. While the *New Mexican* had less than two thousand paid subscribers in those days, the fact that it gave the cue to most of the papers of the territory, made it the most influential paper in the entire Southwest. Marked copies were often mailed to persons of influence throughout the United States, and a lively personal correspondence was maintained with those who could be of use in furthering the ends in which Frost was interested at the moment.

39. *History of New Mexico*, vol. I, p. 469.

Bernard S. Rodey, Delegate to Congress from 1901 to 1905 and leader of the statehood movement during those years, commended the *New Mexican* in 1902 as "the warmest and strongest friend that statehood has in the territory."⁴⁰ Prominent citizens and representatives of the territorial press joined in this praise;⁴¹ while Max Frost himself claimed that his paper was the first newspaper in the territory to champion the cause. On May 10, 1902, in referring to the passage of the statehood bill by the House of Representatives, the *New Mexican* said: "This had not been brought about by a miracle, but by hard and persistent effort in conducting a campaign of education which has overcome deep rooted prejudices within as well as without the territory. It is a matter of pride to the *New Mexican* that it has always stood in the very van in the fight for statehood and has not only been one of the leaders, but the leader in the campaign for New Mexico's rights. There were times when the *New Mexican* stood almost alone among newspapers of the Southwest in demanding statehood and there were times when the *New Mexican* knew that the political leaders and businessmen and others of the territory were nearly all either secretly or openly opposed to statehood and it nevertheless kept up the fight to make New Mexico a state. It was gratifying, therefore, to observe how one newspaper after another followed the *New Mexican's* example, how political leaders, one after the other found it expedient to announce themselves in favor of statehood. What seemed to be insurmountable walls of prejudice melted away one after the other and several times it seemed as if statehood was within the grasp of New Mexico, but then came disappointment and defeat again and again. But the *New Mexican* in season and out of season, kept up the fight for statehood until now victory seems assured. Should disappointment come again, the *New Mexican* will carry on

40. *New Mexican*, Nov. 19, 1902.

41. *Ibid.*, June 10, 1901.

this fight on the present lines, if necessary, for another century and all alone."

Anyone who thumbs through the files of the *New Mexican* today will very likely feel that its editor was completely justified in the pride which he felt in the part his paper was taking in the statehood fight. In 1888 the *New Mexican* conducted a popular referendum on statehood, sending out questionnaires to leading citizens and publishing their opinions for and against statehood in its columns.⁴² So ably did the *New Mexican* present its arguments that Governor Ross, Democratic governor of the territory, was converted to the cause.⁴³ And the printer-governor of New Mexico was no easy triumph, either. One could hardly accuse a United States Senator from Kansas who voted for the acquittal of Andrew Johnson of being a "yes, yes" man. One need not wonder, however, if Ross and many another during those years had their opinions changed by the constant barrage of propaganda which filled the pages of the Santa Fe paper. One finds countless editorials, presenting the arguments for statehood, evaluating the prospects for early success, or urging that letters and telegrams demanding favorable action be written to members of Congress, or that delegations be sent to Washington. Interviews with leaders, letters from contributors, and hundreds of news items all helped to keep the cause before the public. Occasionally there was a special edition, copies of which were sent to every state and territory and even foreign countries, and which served to advertise the resources of New Mexico.

No other paper in the territory was as consistent a supporter of statehood as the *New Mexican*. In 1888, the Silver City *Enterprise*, which was opposed to statehood, declared that the Santa Fe paper was "the leader of the movement," while the Albuquerque *Democrat* and the Las

42. See the *New Mexican*, January to March, 1888.

43. *Ibid.*, March 15, 1888. The *New Mexican*, which was strongly opposed to Gov. Ross, was not enthusiastic over the governor's conversion, and declared that his support was injurious. *Ibid.*, April 12, 1888.

Vegas *Optic* were opposed.⁴⁴ During the next decade statehood gained wider support from the territorial press, but some papers such as the Albuquerque *Citizen* were inclined to oppose the movement when the wrong political party was in control of the legislature. Thus after the Democrats had "stolen" the legislature in 1895, Hughes' paper had said: "Ponder this question from the Raton *Range*: "How do you like the idea of paying \$100,000 to live in the state of New Mexico to be governed by the character assassins who are now running the territory?"⁴⁵ The *New Mexican*, on the other hand, urged "those narrow-visioned Republican organs which are endeavoring to introduce territorial politics into the statehood movement" to follow the example of the people of Oklahoma, who, regardless of party distinction were petitioning Congress for admission to the union.⁴⁶ Six years later a prominent Republican politician urged that no enabling act for the territory should be passed until after the election of 1902.⁴⁷ Many Republicans throughout

44. Silver City *Enterprise*, March 2, 1888.

45. Albuquerque *Citizen*, Jan. 7, 1895.

46. *New Mexican*, Dec. 9, 1895. The *Optic* charged that the *Citizen* "has deliberately set itself to work to defeat statehood," and was attempting to prejudice the eastern mind by partisan appeals." Citing two editorials from the Denver *Times* and the *Republican*, "which no doubt originated in the *Citizen's* office," the *Optic* stated that it disapproved of what the Democrats had done. However, it continued: "We regard the malignant effort to defeat statehood, through personal spite and vindictiveness, as a baser crime against the welfare of our Territory. In fact, one of the very things which statehood will prevent, will be the recurrence of legislative steals." *Optic*, Jan. 16, 1895.

47. *New Mexican*, May 21, 1901. Apparently the Springer *Stockman* distrusted the sincerity of Delegate Catron's statehood efforts in 1896. It said: ". . . Catron, Elkins and Reed would rather see New Mexico sink into perdition than see her become a state. Two silver senators will go from this territory if she should become a state, that is why the combine do not want to see her as such. Selah." Springer *Stockman*, as quoted by *New Mexican*, April 6, 1896: On the other hand, while distrustful of the Republican party in general, the Silver City *Eagle* was hopeful that Catron and Elkins, who were "both heavily interested in New Mexico, would prove sincere in their statehood efforts. Admitting that it was not to the interests of the Republican party to admit New Mexico at that time, the *Eagle* said: "Mr. Catron's personal interests in the matter will doubtless outweigh his political interests and he is certainly very deeply interested personally in the early admission of New Mexico. The passage of a bill providing for statehood for New Mexico might be worth a million dollars to Mr. Catron, but he will have to use some mighty persuasive language to get his gold bug political friends to vote to admit New Mexico and thus increase the strength of the silver men by two in the senate and one in the house." Silver City *Eagle*, quoted by *New Mexican*, Dec. 18, 1895.

the territory were reported to favor the suggestion, but the *New Mexican* declared, that the best plan was "to get together, adjust all differences of opinion and push for statehood until attained." This attitude was highly commended in a vigorous letter from Delegate Rodey who declared that if the choice was put up to him, "to live in a Democratic state or a Republican territory," he would favor the former any time."⁴⁸ Rodey's letter appeared under the title, "Statehood above Partisanship." The brainy editor of the *New Mexican* was not wholly disinterested, however. Two months later he cautioned: "Never fear, the *New Mexican* will be at hand and will take a hand in the senatorial fight upon the admission of New Mexico to statehood, and what is more the men supported by it for those positions will represent the state of New Mexico in the Senate of the United States. Paste this in your hat and read it every once in awhile."⁴⁹

None of the five dailies listed by Governor Otero in his report for 1900 are known to have opposed statehood outright. However, no copies of the *Las Vegas Republican* have been found so that one can only guess from the name that it probably agreed with other papers of that party in supporting the movement. It was apparently short-lived, its name appearing on the official list for the one year only. On the other hand, the *Las Vegas Daily Optic* has been published from 1879 to the present.⁵⁰ When the Atchison, Topeka and Santa Fe built into New Mexico in that year, Russ A. Kistler had started the *Optic* in Otero, the first railroad town in the territory.⁵¹ Six months later he moved his plant to Las Vegas, where he conducted the paper for nineteen years. In 1898 he sold out, and the paper was managed for five years by the Allen brothers, only to be sold again in 1903. Kistler was a brilliant writer, but rather erratic, and the *Optic* was not very stable in its policies. During the critical year of 1896 it deserted its Republicanism

48. *Ibid.*, May 27, 1901.

49. *New Mexican*, July 1, 1901.

50. Shelton, *op. cit.*, p. 18.

51. *History of New Mexico*, vol. I, p. 476.

to support Fergusson and free silver, but reverted to its former policies with the change of ownership in 1903. The *Optic* spoke favorably of the appointment of Otero, but later became one of the few papers in the territory bitterly opposed to "the little governor" and "the ring" which surrounded him. Generally favorable to statehood, the *Optic* declared on October 15, 1901, that this should come with certain safeguards in the constitution. These should include a limitation on the rate of taxation, open bidding for state contracts, compulsory education, an educational or property qualification for voters, the Australian ballot, and the provision that lands given the state for public institutions shall never be sold or leased for a longer period than twenty years.

While no copies have been found of many of the fifty-eight weeklies listed by Governor Otero, the attitude of a number of these is indicated by editorials quoted in papers which have been better preserved. Usually these expressions of opinions were short and often they were rather well put. Thus the *New Mexican* for April 29, 1901, quoted the Springer *Sentinel* as follows: "New Mexico has outgrown her short dresses and feels that at the advanced age of over fifty years, she is entirely too conspicuous in her youthful attire, and is earnestly pleading that she may be permitted to assume the more becoming and appropriate robes of statehood." However, in spite of a considerable amount of such evidence, less than one-third of the total number of weeklies are definitely known to have favored statehood at one time or another between 1895 and 1901, and to have taken some part in the fight for the admission of New Mexico to the union. As we have seen, many of the smaller weeklies took their cue from the *New Mexican*, so that there was nothing original in their attitude. Doubtless a number of the papers that received Frost's secret press service echoed the statehood sentiments which he supplied, but the evidence is insufficient to prove this. Some were indifferent, while a few are known to have been doubtful or opposed. Occasionally an editor dared to express sciep-

ticism regarding the material prosperity supposed to follow statehood. Thus in October, 1901, the Las Cruces *Rio Grande Republican* asked: "Will statehood cause the falling of any more rain?"⁵² while six months later the Roswell *Record* stated editorially: "We have always doubted that statehood would prove such a boon as many people think."⁵³ The attitude of the Santa Fe *Capital* was summed up by the sympathetic Las Vegas *Optic*: "The Santa Fe *Capital* is teeth and toe nails for statehood. However, it is opposed to taking the progressive step with the present corrupt ring in power in New Mexico. Exterminate the treasury-looters and tax-dodgers and then give us statehood."⁵⁴ *Nuevo Mundo*, published in Old Albuquerque between 1897 and 1905, was apparently hostile, as, according to the *Albuquerque Morning Democrat*, it announced an editorial on "The Noisy Question of Our Admission to Statehood."⁵⁵ The White Oaks *Eagle*, a Lincoln County paper, is one of the few papers in New Mexico known to have opposed statehood openly at this time. However, the reasoning of the editor on the subject is known only through a lengthy refutation by Delegate Rodey which appeared in the *Journal-Democrat* for September 21, 1901. Few editors cared to openly oppose the movement and the *Journal-Democrat* noted on August 8, 1901: "The few territorial papers that for a time decried statehood are keeping mum on the subject these days."

In May, 1901, the *New Mexican* called attention to the fact that newspaper after newspaper was "beginning to carry a statehood headline."⁵⁶ The slogan most commonly used was "New Mexico demands statehood from the 57th congress."⁵⁷ No doubt the visit of President McKinley to the territory just at this time helped to focus the attention

52. Clipping from the *Rio Grande Republican*, October, 1901, found in the Rodey Scrap Book, p. 61.

53. *Roswell Record*, April 11, 1902.

54. *Las Vegas Optic*, Oct. 8, 1901. See also *ibid.*, Oct. 10, 1901.

55. *Albuquerque Morning Democrat*, May 27, 1897.

56. *New Mexican*, May 24, 1901.

57. *Ibid.*, May 11, 1901.

of the press and people of the territory upon the issue. Apparently some of the opposition press were converted to the cause the following fall by the accession to the presidency of the territory's Rough Rider champion. At least this was alleged by the *Carlsbad Argus*, which said: "President Roosevelt is favorable to the admission of New Mexico, and as this fact is well known certain territorial journals, until now apathetic or against the movement, are now urging action, and in a few weeks will be posing as the original promoters of the statehood crusade."⁵⁸

While in the East in February, 1902, Thomas Reynolds, a mining man from Denver, gave an interview to a *New York Tribune* reporter in which he criticized New Mexico newspapers for not doing all that could be done for statehood. The *Tribune* quoted him as follows: "New Mexico is in many ways entitled to Statehood, and together with Arizona, is a much richer community than most Easterners suppose. Both territories are wonderfully full of mining possibilities. The trouble with New Mexico has been, to no slight extent, I believe, its lack of a good press to advertise it, and put its claims before the country. A powerful newspaper in that Territory or in Arizona could do a great deal toward bringing about what the people want."⁵⁹

Such a criticism may be attributed to the impatient desire of the business man for greater publicity for his mines and the territory in which they lay. Of course, with its few towns, its small reading public and lack of development, New Mexico could not support a strong press. Had she possessed more leaders like Max Frost and more papers like the *New Mexican*, certainly the campaign to rally the citizens of the territory to the cause and to overcome the objections of the East would have been much more effective. On the other hand, however, opponents of statehood complained of "cock-sure" editorials on what the people wanted, and

58. *Carlsbad Argus*, Sept. 27, 1901.

59. *New York Tribune*, Feb. 7, 1902.

declared that the demand for statehood was largely created by the politicians and editors.⁶⁰

Before passing on from our consideration of the relation of the press to statehood, we may pause to analyze the chief arguments used in editorial after editorial, as well as in official resolutions. These are as follows:

1. Statehood has been promised in the treaty of Guadalupe-Hidalgo and in the Republican and Democratic platforms.
2. The area, population, and resources of New Mexico entitle it to statehood.
3. A territory is governed by "carpetbaggers," is under the complete control of congress, and has no rights under the constitution.
4. The people of New Mexico are quite capable of governing themselves.
5. It is humiliating for the leaders of New Mexico to be forced to go to Washington to scramble for office.
6. New Mexico needs a vote and fuller representation in Congress to push for irrigation, and to protect the waters of the Rio Grande.
7. The shameful way in which property is returned and the low valuation of all property in the territory will be remedied by statehood.
8. Capitalists regard a territory as the home of outlaws and desperadoes and insecurity of property, and hesitate to invest in it. Accordingly statehood will bring rapid development and great material prosperity to New Mexico, just as it did to Colorado.
9. The majority of the people want statehood, and the majority should rule.
10. Property owners need not fear home rule as brains will rule New Mexico as they do everywhere else.⁶¹

The third article in this series will attempt to analyze the attitude of the citizens of New Mexico toward statehood during the latter part of the 1890's, and to discover how much opposition there was within the territory at that time.

60. See "The Other Side," an anonymous letter signed "Fair Play," contributed to the *Journal-Democrat*, Aug. 18, 1903.

61. *Citizen*, April 11, 1901.

THE AMERICAN OCCUPATION OF NEW MEXICO 1821-1852

By SISTER MARY LOYOLA, S.H.N., PH.D.

CHAPTER III

DIPLOMATIC EFFORTS TO OBTAIN NEW MEXICO

DURING the years of turmoil following Mexico's declaration of independence from Spain, many complaints were made to their home governments by foreigners residing in the country because of Mexico's inability to protect them and their business interests. For twenty years before the outbreak of the war between the United States and Mexico, the question of the claims of American merchants who demanded restitution for alleged confiscation of property constituted one of the most important points of controversy between the two nations. As in all such cases, there can be no doubt that some of the claims were largely fictitious or highly exaggerated.¹

The Texas question, on which the leaders of thought in the United States were divided into two hostile camps, ultimately became inextricably bound up with this matter. Any attempt at the adjustment of the various problems involved seemed, to the enemies of the successive administrations, a furtive attempt to obtain possession of western domain which would serve as a stepping-stone to the Pacific and increase slave territory.

Initial Attempt to Acquire Mexican Territory. Foundation for such attacks was found in the instructions to successive ministers to Mexico beginning with Butler in 1829. He was personally instructed by President Jackson to use his utmost endeavors to purchase Texas. This was but a repetition of the instructions which Van Buren, as Secretary of State, had drawn up for Poinsett, the previous minister to

1. Kohl, C. C., *Claims as a Cause of the Mexican War* VII, 78; Maning, W. R., *Early Diplomatic Relations between the United States and Mexico*, 252-276.

Mexico, wherein great stress was laid on the advantage which would accrue to Mexico by her cession of a portion of the territory of Texas for a pecuniary consideration; and Mr. Poinsett was urged to spare no effort to have the boundary settled according to instructions, since this alone would insure to the citizens of the United States the undisputed navigation of the Mississippi.² This message had not been sent to Poinsett because of his recall.

Butler did not succeed in accomplishing anything, and was recalled in 1835 because of complaints made by Mexico to the United States in regard to his conduct. Powhatan Ellis was appointed to fill his place as *charge d'affaires*. In 1836, Forsyth, Secretary of State, wrote to Ellis:

The claims of citizens of the United States on the Mexican Government for injuries to their persons or property by the authorities or citizens of that republic are numerous and of considerable amount, and though many of them are of long standing, provision for their payment is pertinaciously withheld, and the justice of most of them has not been acknowledged.³

At Ellis' suggestions a more vigorous policy was determined upon. In a dispatch from Mr. Forsyth, the grievances against Mexico were reviewed, and Ellis was instructed to demand his passports if satisfactory investigation and reparation were not undertaken without undue delay. Thus diplomatic relations would be severed.⁴ Ellis followed the letter of his instructions and, not receiving a satisfactory reply, demanded his passports, Dec. 13, 1836.⁵

The Gaines-Gorostiza Episode. Matters were also approaching a crisis in the United States, but on wholly different grounds. Texas, having declared her independence of Mexico, was anxiously seeking recognition and annexation by the United States. Her ministers had aroused enthusi-

2. *House Ex. Doc.* 42, 25 Cong., 1 Sess., pp. 10-16.

3. *House Ex. Doc.* 351, 25 Cong., 2 Sess., XII, p. 160.

4. *House Ex. Doc.* 105, 25 Cong., 2 Sess., pp. 24-27.

5. *Ibid.* 51.

astic interest among our citizens, although the officials hesitated to take a decisive step.⁶

On January 23, 1836, President Jackson, through Secretary of War, Lewis Cass, instructed General Gaines to advance to the western frontier of Louisiana to prevent Indian depredations and the crossing of the boundary by armed contestants who had already taken or might take part in the conflict between Texas and Mexico. A later note gave instructions not to advance beyond Nacogdoches.⁷

Gorostiza, the Mexican minister to the United States, entered a protest against the order and requested that it be revoked as a violation of neutrality, since there could be no doubt that the region referred to lay within the boundaries of Mexico.⁸ In reply, Forsyth represented that since the treaty of limits had not yet been drawn up there could be no definite decision as to where the true boundary lay. He stated:

. . . The troops of General Gaines will be employed only in protecting the interests of the United States and those of the Mexican territory according to the obligations of the treaty between the two powers. Whether the territory beyond the United States belongs to the Mexican Government or the newly declared Texan State is a question into which the United States does not propose to enter.⁹

A lengthy correspondence was carried on between Gorostiza and Forsyth in which Gorostiza endeavored to have the instructions countermanded and Forsyth held to the view that the authority given to General Gaines was in full accord with former treaties, and that the Mexican official had no reason to fear that an attempt would be made later to base any claims on the occupation of the region; that

6. Garrison, "Texan Diplomatic Correspondence," in *Annual Report of the Amer. Hist. Asso.* 1907, vol. 2, *passim*; *House Ex. Doc.*, 256, 24 Cong., 1 Sess., *passim*.

7. *House Ex. Doc.* 256, 24 Cong., 1 Sess., VI, pp. 40 *et seq.*

8. *House Ex. Doc.* 256, 24 Cong., 1 Sess., VI, pp. 15-26; *House Ex. Doc.* 2, 24 Cong., 2 Sess., p. 27.

9. *House Ex. Doc.* 256, 24 Cong., 1 Sess., VI, p. 32.

. . . the orders given to General Gaines were not given because the United States believed they had claims to the territory beyond Nacogdoches, nor with a view to assert, strengthen, or maintain those claims, but simply and exclusively to prevent consequences likely to grow out of the bloody contest begun in that quarter.¹⁰

Notwithstanding such assurances, it is not surprising, when one reads some of the communications from Gaines of which the following is typical, that Gorostiza was not entirely convinced—

Believing it to be of great importance to our country, as well as to Texas and Mexico, and indeed to the whole people of the continent of America, that our Government should be prepared to act promptly upon the anticipated application of the people of Texas for admission; and desiring, as fervently as any one of the early friends of the President can possibly desire, that this magnificent acquisition to our Union should be made within the period of his presidential term, and apprehending that unlooked for changes and embarrassing interference by foreign Powers might result from delaying our national action upon the subject to another session of Congress, I have taken leave to order to the city of Washington Captain E. A. Hitchcock . . . whose discriminating mind and perfect integrity and honor will enable him to communicate more fully than my present delicate health . . . will allow me to write, the facts and circumstances connected with this interesting subject, the opinions and wishes of the inhabitants of the eastern border of Texas, together with the late occurrences, and present state of my command.¹¹

The continued reports of the passage of armed forces from the United States to Texas, and the apparent negligence of the United States in preventing these movements, together with the activities of Gaines, were noted carefully

10. *House Ex. Doc.* 256, 24 Cong., 1 Sess., p. 256.

11. Gaines to Cass, May 10, 1836, *House Ex. Doc.* 25 Cong., 2 Sess., XII, Doc. 351, pp. 786-787; Marshall, T. M., *A History of the Western Boundary of the Louisiana Purchase.* 1819-1841, p. 171.

by Gorostiza and drew forth numerous complaints from him during the year 1836.¹² In the latter part of 1836, he indignantly terminated his mission to the United States. Before leaving, he published a pamphlet setting forth the reasons for his action and bitterly complaining of the attitude taken by the United States in the Texas question. This was considered defamatory to the United States as well as a violation of the laws of diplomacy. A note was immediately sent to Mr. Ellis informing him of the affair and ordering him to break off diplomatic relations unless the Mexican Government disavowed the act of its minister.¹³ This order did not reach Ellis until he had already demanded his passports for the reasons stated above. Thus diplomatic relations between the two countries were severed almost simultaneously in the two capitals at the close of 1836.

To the country at large war seemed imminent; but among the officials of government the matter was not considered very serious. It was determined that one more demand should be made upon Mexico for a settlement of claims.¹⁴ The demand was sent shortly after the accession of Van Buren to the presidency.

The opposition party in Congress used the entire episode as capital for attacks on the government. Adams made his famous speech in the House, in which the entire policy of the government of the United States toward Mexico was reviewed. He declared:

From the battle of San Jacinto, every movement of the Administration of the Union appears to have been made for the express purpose of breaking off negotiations and precipitating a war or of frightening Mexico by menaces into cession of not only Texas but of the whole course of the Rio del Norte, and five degrees of latitude across the continent to the South Sea.¹⁵

12. *House Ex. Doc.*, 2, 24 Cong., 2 Sess., *passim*. See Marshall, 186 *et seq.*

13. *House Ex. Doc.* 105, 24 Cong., 2 Sess., pp. 47-50.

14. *Congressional Globe*, 24 Cong., 2 Sess. IV, p. 193.

15. Adams, J. Q., *Speech on the Right of Petition, Freedom of Speech and Debate, etc.*, delivered in the House from June 16 to July 7, 1838.

This speech gave excellent material for agitation to Mexico and the anti-slavery interest in the United States.

A careful study of the documents shows that Adams' anti-slavery proclivities, which made him read into official acts a determination to extend the slave area by fair means or foul, greatly distorted his perspective. Jackson was certainly eager to acquire Texas; but it cannot be shown that he stooped to any under-handed measures. The same can be said of Van Buren. Reeves states:

Jackson's and Van Buren's attitude toward Texan annexation was cautious, prudent, and founded on just principles. That the tone adopted toward Mexico upon the subject of claims was severe does not thereby convict Jackson and Van Buren of duplicity or hypocrisy or shamelessness. . . . Instead of using the Mexican claims as a cloak for war by which annexation might be accomplished, the reverse may be stated as the truth. The open refusal of the United States to accept the Texan offer of annexation put the United States in a position where demand for payment of its claims upon Mexico could be made without any suspicion of ulterior motive.¹⁶

Arbitration of Claims. On September 11, 1838, arbitration of the claims was agreed upon and all danger of war was over. Diplomatic relations were at once re-established. After some delay in preliminary arrangements, the board began its work at Washington on December 29, 1840.¹⁷ Two commissioners had been appointed for each side and the King of Prussia through a delegate, Baron Roenne, then minister resident of Prussia at Washington, acted as umpire. In the eighteen months (August 1840-

16. Reeves, J. R., *American Diplomacy under Tyler and Polk*, 84-86. Kohl, *Claims as a Cause of the Mexican War*, 30-44.

17. The convention signed in 1838 was not carried into effect because of Mexico's failure to authorize the exchange of ratifications within the time prescribed. The delay was said to be due to the fact that the King of Prussia had not consented to appoint an umpire as had been provided by the terms of the convention. A second convention was concluded in April, 1839. (Moore, J. B., *International Arbitrations*, II, 1218).

AMERICAN OCCUPATION OF NEW MEXICO 149

February, 1842) allowed by the terms of the convention eighty-four claims had been presented and of these thirty had not been finally decided. Every evidence goes to prove the sincerity of the Mexican commissioners and their earnest efforts to adjudicate the claims according to strict justice. The amount allowed, approximately thirty per cent of the claims, was a very large proportion for such cases, and the Mexican delegates declared that failure to settle more claims was due to the tardiness with which the claimants presented their cases.¹⁸

The poverty of the Mexican treasury at the time rendered it impossible to pay the indemnity agreed upon. This necessitated another convention which was concluded at the city of Mexico in 1843. It was therein provided that the Mexican government should "on the thirtieth of the following April pay all interest then due on the awards, and within five years from that day, in equal installments every three months, all the principal and accruing interest."

18. An idea of the work of the commission may be gained from the following table:

	<i>Amount</i>
Amount of claims decided by the board without reference to the umpire	
Amount claimed -----	\$595,462.75
Amount allowed -----	439,393.82
Rejected on their merits at the board	
Amount claimed -----	51,492.25
Decided by the board not to be within the convention	
Amount claimed -----	9,278.26
Claims on which the board differed which were reported to the umpire for decision, and on which allowance was made	
Amount claimed -----	5,844,260.44
Amount allowed by American commis. -----	2,334,477.44
Amount allowed by Mexican commiss. -----	191,012.94
Amount allowed by the umpire -----	1,586,745.86
Rejected by the umpire on the merits	
Amount claimed -----	59,967.40
Amount claimed by American commissioners -----	57,754.42
Decided by the umpire not to be within the cognizance of the board	
Amount claimed -----	1,864,939.56
Amount allowed by American commissioners -----	928,627.88
Cases submitted too late to be considered by the board	
Amount claimed -----	3,336,837.05
<hr/>	
Total awarded by the umpire -----	\$1,586,745.86
Total awarded by the American commissioners on reference to the umpire	2,334,477.44
Total awarded by the Mexican commissioners on reference to the umpire	191,012.94

(Moore, *op. cit.*, II, 1232.)

In April, 1844, the Mexican government ceased to pay installments. There was no money in the Mexican treasury, although the government had gone to the extent of demanding a forced loan with which to meet its obligations. Shortly after, a revolution caused the permanent cessation of all payments.¹⁹ Again the diplomatic sky looked threatening; the storm was brewing in another quarter also.

The Texas Question. The question of Texan annexation was to furnish the basis of renewed difficulties with Mexico. Tyler came to the presidency determined on expansion. Was not expansion a necessity, if anything was to be accomplished in regard to the proposed opening of trade with China, and the establishment of a consul at the Sandwich Islands?²⁰ Within a few days after taking the oath of office, the President referred to annexation as the all important measure of his administration.²¹

In January, 1843, Mr. Thompson, the American minister to Mexico, was instructed to remonstrate against the mode of warfare which was being carried on against Texas, and to make it clear that if Texas were not either reconquered by Mexico, according to the regular mode of warfare by a sufficiently strong force, or else her independence recognized by Mexico, the United States would show her disapproval in a more forcible manner.²²

The attitude adopted by Tyler is excellently summed up by Kohl in the statement: "Tyler's first plan for securing territory appears to have been one which very few at that time knew anything about. This was to trade the claims for Texas and California. Thompson's first dispatch to Washington, dated April 29, 1842, went aside from the main subject with which it dealt to discuss the question of acquiring territory. He declared:

19. Moore, J. B., *International Arbitrations*, II, 1216-1248. (*Ho. Mis. Doc.* 53 Cong., 2 Sess., No. 212, II, 3267). The matter was finally settled by the Treaty of Guadalupe-Hidalgo by which the United States assumed these obligations of Mexico.

20. For this interesting aspect of western extension see Lyon G. Tyler, *The Letters and Times of The Tylers II*, 262.

21. *Ibid.*, 254.

22. *Sen. Doc.* 341, 28 Cong., 1 Sess., 69-70.

I believe that this Government would cede to us Texas and the Californias, and I am thoroughly satisfied that it is all we shall ever get for the claims of our merchants on this country. As to Texas, I regard it as of little value compared with California—the richest, the most beautiful and the healthiest country in the world . . . In addition to which California is destined to be the granary of the Pacific. It is a country in which slavery is not necessary and therefore if that is made an objection, let there be another compromise. France and England both have had their eyes upon it . . . If I could mingle any selfish feelings with interests to my country so vast, I would desire no higher honor than to be an instrument in securing it.²³

Later dispatches reveal the anxiety of Thompson to see the matter favorably adjusted.

The enmity aroused in Mexico by the evident sympathy of Americans with the Texans, together with the foolish act of Commodore Jones of the Pacific Squadron in taking possession of Monterey,²⁴ made impossible the acquisition of territory in exchange for claims; and Tyler did not intend to go to war for such a cause.

Agitation throughout the country continued, however, and during the last months of Tyler's administration official notice was given by the Mexican minister, Almonte, that the annexation of Texas by the United States would be considered as equivalent to a declaration of war, and in such an event he would consider his mission to the United States ended, since on receipt of the news of such an act, Mexico would immediately declare war.²⁵

The stand was at once taken in Washington that the declaration of war by Mexico, if Texas were annexed, would be entirely uncalled for, since Texas had maintained her independence for eight years, and the inability of Mexico

23. Ms. Archives, Dept. of State, Dispatches from Agents in Mexico as cited in Kohl, *Claims as a Cause of the Mexican War*, 46.

24. For an account of the episode see *House Ex. Doc.* 166, 27 Cong., 3 Sess., *passim*.

25. *House Ex. Doc.* 2, 28 Cong., 1 Sess., pp. 39 *et seq.*

to reconquer her during all that time made it impossible for the United States to consider her longer a part of Mexico.²⁶

In the closing months of his administration, Tyler strove earnestly to have the Treaty of Annexation completed and had the satisfaction of seeing this done on March 3, 1845, one day before his authority ceased, although the full ratification took place only in December, 1845, under the Polk administration. As threatened, the Mexican minister at once withdrew from Washington; and thus diplomatic relations which had so recently been restored were once more severed.²⁷

Expansionist Plans of Polk. Polk, the successor of Tyler in the presidential office, showed, from the outset of his term, a great desire for expansion. He determined to attempt to re-establish amicable relations with Mexico for this purpose. Mr. Parrott was sent to determine whether or not Mexico was willing to renew diplomatic intercourse. Polk records in his diary:

He, Parrott, is of the opinion that the government is desirous to re-establish diplomatic relations with the United States and that a minister from the United States would be received . . . After much consultation, in full Cabinet, it was agreed unanimously that it was expedient to reopen diplomatic relations with Mexico, but that it was to be kept a profound secret that such a step was contemplated.²⁸

The secrecy was due to fear of foreign interference. It was determined to appoint to the difficult office Mr. Slidell who seemed well qualified for the task. Before sending Slidell, assurance was procured from the Mexican Minister of Foreign affairs that Mexico would receive a Commissioner having full power to settle the Texas dispute.²⁹

26. *Sen. Doc.* 341, 28 Cong., 1 Sess., p. 87.

27. For a detailed discussion of Annexation see McCormac, E. I., *James K. Polk, a Political Biography*, 352-72.

28. *Polk, Diary*, Sept. 16, 1845.

29. *House Ex. Doc.* 60, 30 Cong., 1 Sess., VII, pp. 13-17.

Although an important question to be settled was that of the boundary of Texas, the anxiety and hope of the Government to obtain possession of New Mexico and California are revealed in the specific instructions to Slidell upon the subject. The whole question of claims was reviewed at great length and the following conclusion reached:

The result of the whole is, that the injuries and outrages committed by the authorities of Mexico on American citizens, which, in the opinion of President Jackson, would so long ago as February, 1837, have justified a resort to war or reprisals for redress, yet remain wholly unredeemed excepting only the comparatively small amount received under the convention of April, 1839.

. . . The fact is but too well known to the world that the Mexican government is not now in a condition to satisfy these claims by the payment of money. Unless the debt should be assumed by the government of the United States, the claimants cannot receive what is justly their due. Fortunately the joint resolution of Congress, approved 1st. March, 1845, for annexing Texas to the United States, presents the means of satisfying these claims, in perfect consistency with the interests as well as the honor of both republics. It has reserved to this government the adjustment of all questions of boundary that may arise with other governments. This question of boundary may, therefore, be adjusted in such a manner between the two republics as to cast the burden of the debt due to American claimants upon their own government whilst it will do no injury to Mexico.

There follows a detailed discussion of the question of the Texas boundary, and then the interest in New Mexico asserts itself. The instructions continue:

The long and narrow valley of New Mexico, or Santa Fe, is situated on both banks of the upper Del Norte, and is bounded on both sides by mountains. It is many hundred miles remote from other settled portions of Mexico, and from its distance

it is both difficult and expensive to defend the inhabitants against the tribes of fierce and warlike savages, that roam over the surrounding country. For this cause it has suffered severely from their incursions. Mexico must expend far more in defending so distant a possession, than she can possibly derive benefit from continuing to hold it.

Besides it is greatly to be desired that our boundary with Mexico should now be established in such a manner as to preclude all future difficulties and disputes between the two republics. A great portion of New Mexico being on this side of the Rio Grande, and included within the limits already claimed by Texas, it may hereafter, should it remain a Mexican province, become a subject of dispute and a source of bad feeling between those, who, I trust are destined in future to be always friends.

On the other hand, if, in adjusting the boundary, the province of New Mexico should be included within the limits of the United States, this would obviate the danger of future collisions. Mexico would part with a remote and detached province, the possession of which can never be advantageous to her; and she would be relieved from the trouble and expense of defending its inhabitants against the Indians. Besides she would thus purchase security against their attacks on her other provinces west of the Del Norte as it would at once become the duty of the United States to restrain the savage tribes within their limits, and prevent them from making hostile incursions into Mexico. From these considerations, and others which will readily suggest themselves to your mind, it would seem to be equally the interest of both powers that New Mexico should belong to the United States.³⁰

Slidell was instructed to offer a sufficiently large sum of money to compensate Mexico for this cession. Fear was expressed that Mexico might be contemplating the sale of California to England, and we read:

The possession of the bay and harbor of San Francisco is all important to the United States.

30. *Ho. Ez. Doc.* 30 Cong., 1 Sess., pp. 37-40.

The advantages to us of its acquisition are so striking that it would be a waste of time to enumerate them here. If all these should be turned against our country by the cession of California to Great Britain, our principal commercial rival, the consequences would be most disastrous.

The government of California is now but nominally dependent upon Mexico, and it is more than doubtful whether her authority will ever be reinstated. Under these circumstances, it is the desire of the President that you should use your best efforts to obtain the cession of that province from Mexico to the United States. Could you accomplish this object you would render immense service to your country and establish an enviable reputation for yourself. Money would be no object when compared with the value of the acquisition . . . Should you, after sounding the Mexican authorities on the subject, discover a prospect of success, the President would not hesitate to give, in addition to the assumption of the just claims of our citizens on Mexico, \$25,000,000 for the cession.³¹

But such roseate dreams were destined to come to naught, for the United States, with her usual promptness, complied so quickly with the permission to send a minister, that Slidell reached Mexico before President Herrera had an opportunity to prepare the minds of the Mexican people for the restoration of friendly relations with the United States. The civil war which was brewing threatened the Herrera administration, and it was felt that the reception of Slidell would precipitate the dreaded disruption.³² Events proved the instability of the President's power and justification of his fears.

The fact that, contrary to the agreement of Mexico, Slidell had been commissioned as minister plenipotentiary with power and instructions to negotiate matters other than the Texas boundary dispute and that his appointment had

31. *Ho. Ex. Doc.* 69, 30 Cong., 1 Sess., p. 41.

32. Brooks, N. C., *Complete History of the Mexican War*, 60.

not been confirmed by the Senate, was seized upon as an excuse for refusing to receive him.³³ The action of the United States in this matter raised a storm of protest among the Mexican patriots who saw herein the attempt of a powerful nation to take advantage of a weak neighbor and, under the guise of friendship, deprive her of her fairest provinces. The well formulated arguments did not appeal to them.

Reports from Slidell made it seem certain that he would not be received by the Mexican Government. On January 13, 1846, Polk ordered the United States' troops to advance to the Rio Grande presumably for the purpose of protecting Texas.³⁴ The army left Corpus Christi and reached Point Isabel on the twenty-fourth.³⁵ These war-like preparations could leave no doubt as to the determination of the United States to reach a solution of the difficulties that had so long existed between the two countries. On March 12, 1846, Slidell received a decided refusal from the newly formed Mexican Government, under Paredes, to receive him. Great indignation was expressed in Mexico because of the hostile attitude assumed by the United States at the time when, presumably, it was seeking a re-establishment of diplomatic relations.³⁶ American writers who have studied the matter seriously have expressed divergent opinions on the Slidell mission. J. S. Reeves states:

Parrott's mission and Slidell's instructions taken together prove two things (1) that the Mexican War was not the result of the annexation of Texas, and (2) that the reopening of diplomatic relations with Mexico was for the purpose of securing California by purchase . . . The President developed a plan by which he believed that expansion could be effected by peaceful means. Claims against Mexico under discussion as far back as Jackson's time furnished the groundwork of the

33. *Ho. Ex. Doc.* 60, 30 Cong., 1 Sess. VII, pp. 23-31.

34. McCormac, *op. cit.*, 375.

35. Garrison, G. P., *Westward Extension*, 222.

36. *Ho. Ex. Doc.* 60, 30 Cong., 1 Sess., VII, pp. 67 *et seq.*

plan; the joint resolution of annexing Texas gave the President something to build upon. Mexico could not pay the claims in cash; the Texan boundary was unsettled. The idea of territorial indemnity was an irresistible conclusion: let her pay in land.³⁷

Failure of Diplomacy. On the reception of the news of Slidell's rejection, Polk suggested to his cabinet that a more decisive attitude be adopted toward Mexico.³⁸ The Oregon question then under discussion caused hesitation until Saturday, May 9, when, as Polk records in his diary, it was unanimously agreed that if any act of hostility were committed by the Mexican forces against General Taylor's forces, he should immediately recommend to Congress a declaration of war. He felt that sufficient cause had already been given, and that without waiting for further provocation, he should recommend the declaration of war on the following Tuesday. All agreed to this except Mr. Bancroft, the Secretary of the Navy, who held that war should be declared only on the commission of a definite act of hostility by the Mexican forces.³⁹

Before the day was over a report of an opportune "act of hostility" was received from General Taylor giving account of the well known episode of the attack by the Mexican forces on the detachment of Taylor's troops on the eastern bank of the Rio Grande. Monday, May 11, the war message was sent to Congress, was approved, and war declared on the next day. Diplomatic efforts, of more or less sincerity, had failed. The appeal to arms was resorted to. The keynote words of Polk's message soon resounded far and wide. ". . . Mexico has shed American blood on American soil."⁴⁰

Polk assumed much in proclaiming that the Mexican forces had entered within American territory. That he hon-

37. Reeves, J. S., *American Diplomacy under Tyler and Polk*, 275. See comment by McCormac, *op. cit.*, p. 391.

38. Polk, *Diary*, Apr. 25, 1846.

39. *Ibid.*, May 9, 1846.

40. Richardson, *Messages and Papers of the Presidents*, IV, 437.

estly considered the Rio Grande as the boundary of Mexico, is doubtful.⁴¹ Senator Benton in reviewing this affair remarks, "The march to the Rio Grande brought on the collision of arms, but so far from being the cause of the war, it was itself the effect of these causes."⁴²

It would take us too far afield to enter even a brief discussion of the various causes of the Mexican war. It cannot be doubted that the question of claims is a factor to be reckoned with, but as Kohl says: "Had it not been for the ideals of expansion the claims would have been far too insignificant for notice and the Mexican War would probably have never been fought. As it was, the claims remained a constant grievance against Mexico down to the time of Polk; and he used them as a pretext, not a cause, to get indemnity in the form of territory."⁴³

41. For a masterly discussion of the boundary question see, G. P. Garrison, *Texas*, pp. 262 *et seq.*

42. Benton, *Thirty Years' View II*. 630. A recent discussion of this question is given in McCormac, *op. cit.*, Ch. XVII-XVIII.

43. *Claims as a Cause of the Mexican War*, 79.

CHAPTER IV

THE MILITARY CONQUEST

Both sides entered the war with unclouded faith in its own success, and yet neither country was in the remotest state of preparation. The activities of Generals Scott and Taylor are generally considered the important events of the conflict. This is doubtless true from the standpoint of military achievement, but the success of the "Army of the West" under General Kearny was of prime strategic significance. This detachment was apparently watched with keen interest by the administration. During the earliest discussions with the Secretary of War and General Scott, Polk gave as his opinion that the first movement should be to march a competent force into the Northern Provinces and seize and hold them until peace was made. All agreed in this opinion.¹

"The Army of the West." An order, dated June 3, communicated to Colonel, afterwards Brigadier-General, S. W. Kearny, that he was appointed to take command of the expedition destined for the conquest of Upper California. He was ordered to take possession of Santa Fe, en route, garrison it, and press on to California. One thousand mounted men had been ordered to follow him in the direction of Santa Fe, and his force was also to be increased by the incorporation of a large body of Mormons then on their way to California for the purpose of establishing homes. The number of the latter was to be limited to not more than one-third of his entire force. Kearny was ordered to establish temporary civil governments in the places which he should conquer, and, as far as possible, retain in service those who had held office under the Mexican regime and who were willing to take the oath of allegiance to the United States; to assure the people of the provinces that the design of the government was to provide a free government as soon as possible. He was warned to adopt a conciliatory

1. Polk, *Diary*, May 14, 1846.

attitude in every possible respect and that trade with the United States was not to be interrupted under the changed conditions.²

Kearny's army, as ordered to rendezvous at Fort Leavenworth, twenty-two miles above the mouth of the Kansas, comprised 1,658 men—two batteries of artillery under Major Clark, three squadrons of the First Dragoons under Major Sumner, the first regiment of Missouri cavalry under Colonel Doniphan, and two companies of infantry under Captain Agney. The various detachments came together, however, only a short distance from Bent's Fort, near the present village of Las Animas. Here they found 414 loaded wagons of the Santa Fe Trade awaiting protection.³

When news reached Santa Fe that the American army was encamped at Bent's Fort, a meeting of the principal citizens was called for the purpose of discussing the most effective measures to be taken. Opinions differed, some preferred to surrender without resistance; others insisted that a stand should be made against the enemy. The latter ruled. General Armijo, assisted by Pino and Baca, was entrusted with the defense. General Armijo only reluctantly approved of the plans and issued a proclamation calling upon the people of New Mexico to assist in the preservation of the Mexican State.⁴

In words of staunch loyalty which later acts contradicted, he appealed to their patriotism and loyalty, recalling the recent formation of the Republic. One paragraph is quite indicative of the whole: "The eagle that summoned you at Iguala under the national standard forming a single family out of us all, with one single will, calls on you today to gather around the supreme government . . . You then could conquer without external help, led only by your noble efforts and heroic patriotism, the independence of our

2. Sec. of War, W. L. Marcy to Gen. Kearny June 3, 1846. *House Ex. Doc.* 60, 30 Cong., 1 Sess., p. 153; also *House Ex. Doc.* 17, 31 Cong., 1 Sess., pp. 236-239.

3. Emory, W. H. *Notes of a Military Reconnoissance*, 14. (*Ho. Ex. Doc.* 41, 30 Cong., 1 Sess.); Prince, *Concise History of New Mexico*, 178.

4. Proclamation in B. M. Read Collection, D. No. 20.

nation . . . Today that sacred boon, the fruit of so many and so costly sacrifices is threatened; for if we are not able to preserve the integrity of our Territory, all this country would very soon be the prey of the greed and enterprising spirit of our neighbors on the north, and nothing would remain save a sad remembrance of our political existence.”⁵

Three days after the Army of the West arrived at the Fort, Kearny dispatched Captain Cooke with twelve picked men, accompanied by James Magoffin of Kentucky, formerly American Consul in Chihuahua, and Senor Gonzales of Chihuahua, who were engaged in the caravan trade, with a flag of truce to Santa Fe, two hundred miles distant.⁶

Senator Benton has written, in his *Thirty Years' View*, an account of the conquest of New Mexico in which he offers an explanation of the remarkable success of Kearny. He attributes the ease of the conquest to his own wisdom in persuading James Magoffin, who was intimately acquainted with the people and conditions in New Mexico, to join himself to Kearny's army. The President and Secretary of War gladly accepted Magoffin's proffered services.⁷ He accompanied Captain Cooke to Santa Fe to use his power to persuade Armijo not to resist the American force. Magoffin, it seems, obtained this promise readily enough, but had more difficulty in so persuading Colonel Archuleta, the second in command. According to Benton, Archuleta was won over to the American cause by the suggestion that he take possession for himself of the western half of New Mexico since Kearny was only going to take possession of the left bank of the Rio Grande. Pleased with this plan, which fell in so well with his ambition, Archuleta consented not to offer resistance.⁸

5. *Idem.* See also Ritch I, 232.

6. Cooke, P. St. George, *The Conquest of New Mexico and California*, 6; Twitchell, *The Military Occupation of New Mexico*, 376. Magoffin had been active in the Santa Fe trade at least as early as 1839. (Ritch I, 179.)

7. *Ho. Ex. Doc.* 17, 31 Cong., 1 Sess., 240-241.

8. Benton, *Thirty Years' View II*, 683. Magoffin's services were again successful in opening the way to Chihuahua for General Wool. Here he was suspected and imprisoned, returning to Washington only after peace was signed.

It is difficult to determine the actual services rendered by Magoffin and to what extent Kearny's "bloodless conquest" was made possible by him. Benton's enmity toward Kearny caused him to make as little as possible of Kearny's own work, and to exaggerate that of his assistants. In secret session of congress, Magoffin received, at Benton's plea, \$30,000.⁹

"*The Unbloody Conquest.*" The main body of the army moved forward by way of Raton Pass. Shortly after crossing the Sapello river,¹⁰ Kearny received a message from Armijo stating that the people had risen en masse, but that he would meet Kearny on the plains between the Sapello and the Vegas.¹¹ Whether as friend or foe was not stated.

At Las Vegas was enacted a scene which was repeated in essentials at various points within the province of New Mexico. Kearny with his staff, riding into the public square in the early morning, was met by the alcalde and people. Ascending to the roof of one of the nearby adobe houses where all could see and hear, Kearny through the interpreter, Robidoux¹² addressed the assembled multitude, an-

9. The Magoffin Papers in the files of the Historical Society of New Mexico are transcripts obtained by Mr. R. E. Twitchell of the letters written by Magoffin to justify his claim to government remuneration. He does not hesitate to take to himself almost complete credit for persuading the New Mexican officials not to offer resistance. He states: "I certainly made no contract with the Government, nor did any such idea enter my head. I engaged at the request of President Polk to go to Mexico where I had been for many years, to be of service to our troops. . . . I went into Santa Fe ahead of Gen'l Kearny and smoothed the way to his bloodless conquest of New Mexico. Col. Archuletti would have fought; I quieted him. It was he who afterwards made the revolt which was put down with much bloodshed by Gen'l Price. Fight was in him, and it would have to come out at first, carrying Armijo with him if it had not been for my exertions. . . . Bloodless possession of New Mexico was what President Polk wished. It was obtained through my means. I could state exactly how I drew off Archuletti from his intention to fight." The papers in which Magoffin says he was explicit in his statement are not available. His expenditures, according to the itemized list which he sent to the War Department, amounted to \$37,780.96. He states: "The above is submitted not as an account against the United States but as data to assist in forming an opinion of the amount that ought to be paid for my services, by showing what they cost me; as for the services themselves they cannot be valued in money" (*Magoffin Papers*. New Mexico Historical Society.)

10. It was here that Kearny was presented with his commission as brigadier-general.

11. Emory, *Notes of a Military Reconnoissance*, Sen. Ex. Doc. 7, 30 Cong., 1 Sess., p. 25.

12. Hughes, J. T., *Doniphan's Expedition*, 33.

nouncing that the American forces came by order of the government of Washington to take possession of New Mexico and extend over it the laws of the United States; that they came not as conquerors, but as protectors for the benefit of the people; that the authority of General Armijo had ceased and that he himself was now the governor. He assured all who submitted peacefully to the new order of things that they would be protected in their religion, their persons, and their property, but that those who were found in arms against the United States would be summarily punished. His words were given added weight by the presence of the army. He then administered the oath of allegiance and of office to the former office-holders, who accepted the inevitable with apparently no satisfaction.¹³

Leaving Las Vegas, the advance was continued with no opposition. At Tecolote and at San Miguel, scenes similar to that at Las Vegas were enacted. On the way thither various persons had been met who reported that Armijo was assembling his forces, and that a vigorous resistance might be expected at a place fifteen miles from Santa Fé called the Cañon, which was being fortified.¹⁴ At San Miguel a rumor reached Kearny that the two thousand Mexicans assembled in the cañon to oppose his advance, had quarreled among themselves and that Armijo had fled with his forces to the south. The reporters said that Armijo, realizing the hopelessness of the situation, had been opposed to resistance from the beginning.¹⁵

13. Emory, *op. cit.*, 27 *et seq.*

14. *Ibid.*, 25.

15. Magoffin writes: "Gen. Armijo on the 15th ordered his troops, say 3,000 in number to be placed between two mountains with four pieces of artillery on the road by which our army had to pass. . . . Armijo . . . called his officers together and wished to know if they were prepared to defend the territory. They answered they were not, that they were convinced by the proclamation they had from Gen. Kearny that the U. S. had no intention to wage war with New Mexico, on the contrary promised them all protection in their property, person and religion. Armijo apparently appeared very much exasperated, gave orders to the troops to be dispersed and in 48 hours they were all at their homes, he himself leaving for the state of Chihuahua with say 100 dragoons. . . ." (Magoffin to Sec. of War, W. L. Marcy. Transcript in files of Historical Society of New Mexico.)

When at a short distance from Pecos, a letter was brought from Juan Bautista Vigil y Alarid,¹⁶ the lieutenant-governor, informing Kearny of Armijo's flight and of Vigil's readiness to receive him in Santa Fé and extend to him the hospitalities of the city. The march was continued and the entire army arrived at Santa Fé at six o'clock on August 18. Vigil and some twenty or thirty of the people received Kearny and his staff at the palace. At sunset, the military salute greeted the American flag which had been hoisted over the building.¹⁷

Kearny had fulfilled the first part of his instructions. New Mexico, which repeated negotiation had failed to obtain, now became a part of the United States. Not a shot had been fired. The only lives lost were those of the men who had succumbed to the difficulties and privations of the long rapid march.

On the following morning Kearny addressed the people of Santa Fe in substantially the same words that he had used in his first proclamation on Mexican soil. Vigil answered and in the name of the entire people swore obedience and respect to the laws and authority of the United States, since "no one in this world can successfully resist the power of him who is stronger."¹⁸

On August 24, Kearny reported to Brigadier-General Jones, Adjutant General U. S. A., Washington, that the official proclamation had been issued and that the people

16. This Vigil was a cousin of the better known Donaciano Vigil of whom Twitchell says: "Captain Vigil . . . concluded that there might be relief for his people in the coming of the army of the United States. He naturally loved liberty for liberty's sake. He realized that the reforms under the Republic of Mexico so often promised would never be realized. His familiar intercourse during the generation previous with the Santa Fe trader, with 'Americans' fresh from the 'States' doubtless contributed to the determination of his course. . . . There is small doubt that the occupation of the Capital by General Kearny without the loss of life in bloody conflict was largely due to the sagacious foresight and patriotic action of Captain Vigil." (*The Military Occupation of New Mexico*, 216) Donaciano Vigil was appointed Secretary of New Mexico by Kearny (R. I., 244).

17. Emory, *Notes of a Military Reconnaissance*, p. 31 *et seq.*

18. *Vigil Papers*. Ms. New Mexico Historical Society, Santa Fe. Also R. I., 242.

of the province were quiet and could easily be kept so.¹⁹

The days immediately following were employed in receiving delegations from the Pueblo Indians and from Taos, in providing for the well being of the soldiers, and in arranging for the construction of Fort Marcy, named after the Secretary of War. This fort was situated on a hill which commanded the entire town. It was built by the volunteers, who considered it a real hardship to be put to a work of such a character when they had entered the army to fight and so far had no chance to show their military powers. It was felt, however, that this fort which when completed could accommodate one thousand soldiers and was armed with fourteen cannon, was extremely necessary, since Kearny intended, according to his instructions, to take the greater part of the army to California.²⁰

Rumors now reached Santa Fe that Armijo and Colonel Ugarte were assembling forces in the south and marching toward the capital. Kearny, at the head of seven hundred men, marched down the Rio Grande to Tomé, one hundred miles distance, but met with no hostile demonstrations.²¹

Kearny's Code. On his return to Santa Fe Kearny, in consonance with his instructions, appointed the civil officers, with Charles Bent as governor. Many of those chosen had held office under Mexican rule, but were doubtless of partial American extraction as revealed by their names.²² He also

19. *Ho. Ex. Doc.* 19, 29 Cong., 2 Sess.

20. Prince, L. B., *History of New Mexico*, 299.

21. Cutts, *The Conquest of California and New Mexico*, 64.

22. "In 1853 Mr. Phelps, a member of Congress speaking of the officials of the government set up by Kearny in place of the one he had over-thrown, said that they were Americans residing in New Mexico. While this was true in part, it is likely to create a wrong impression. They were not mere adventurers. Some of them had resided there many years, ten or fifteen, and had become bound to the country by marital and other ties. This was true of the governor, Charles Bent, a native of Virginia, who had been in New Mexico since 1832 . . . Francis P. Blair, Jr., district attorney, was a member of the Missouri Blair family and was afterwards prominent in public life at Washington. Two members of the supreme court, Joab Houghton and Charles Beaubien, were Americans, but the latter had been a resident of Taos, New Mexico, since 1827, had married a native, and was widely known and respected . . . Nearly all the others . . . were natives, some of them members of prominent families." (Thomas, D. Y., *A History of Military Government in Newly Acquired Territory of the United States*, 115-116.)

announced a plan of civil government. In his report on the laws drawn up, Kearny foregoes any credit for himself and acknowledges that he was entirely indebted for them to Colonel A. W. Doniphan of the Missouri mounted volunteers, who was assisted by W. P. Hall of his regiment. The laws were taken from several sources: from the laws of Mexico, either retained in their original form or modified to bring them into agreement with the laws of the United States; from the laws of Texas and of Texas-Coahuila; from the statutes of Missouri, and the Livingston Code. The organic law was taken from the organic law of Missouri territory.²³ This code was later the subject of violent debate in the House and was used as a weapon with which to attack the administration on the entire subject of the war.²⁴ Kearny doubtless had no thought of over-stepping his instructions.

Having established order in Santa Fe, General Kearny set out, on the twenty-fifth, for California. Colonel Doniphan was left in command of all the forces in New Mexico with orders to march against Chihuahua on the arrival of Colonel Price,²⁵ who was daily expected with his detachment which consisted of 1,200 mounted volunteers from Missouri and a Mormon battalion of 500 infantry which had been organized at Council Bluffs. When, after a few days, this new addition was made to the force already in Santa Fe, the town was transformed into a military camp. In all, there were now 3,500 men stationed there.²⁶ Doniphan received orders from Kearny, then at La Joya, to postpone his previously ordered march to Chihuahua and as quickly as possible march against the Navajo Indians who were making depredations on territory now belonging by right of conquest to the United States. Doniphan complied at once and Colonel Price was left in command at Santa Fe.

23. *Ho. Ex. Doc.* 60, 30 Cong., 1 Sess., p. 176.

24. For debate see *Congressional Globe*, 29 Cong., 2 Sess., Dec. 7, 1846, pp. 33 *et seq.*, Thomas, 106-117.

25. Hughes, J. T., *Doniphan's Expedition*, 51.

26. Twitchell, R. E., *Military Occupation of New Mexico*, 95.

The Revolt of 1846. When Colonel Price took over the command, he immediately stationed the divisions of his forces in various parts of New Mexico as well for the good of the men themselves, as for the preservation of order and submission among the New Mexicans and the Pueblo Indians.²⁷

Although Kearny was confident that the people of New Mexico were satisfied with the new condition of things, murmurs of revolt were heard almost immediately after his departure for California and of Doniphan to the south.

The more influential of the Mexicans who had formerly held positions of honor and who now found themselves the objects of the scorn of the invaders naturally chafed under the new conditions. To them, particularly, it seemed but patriotism to drive out those who were holding the country by force.²⁸

No definite benefit had, as yet, resulted from the American occupation, and the overbearing, abusive, and quarrelsome actions of the volunteers made them and the country they represented obnoxious in the extreme.²⁹ Ruxton, an English traveler, reports, "I found over all New Mexico that the most bitter feeling and most determined hostility existed against the Americans who, certainly in Santa Fe and elsewhere, have not been very anxious to conciliate the people, but by their bullying and overbearing demeanor toward them, have in a great measure been the cause of this hatred."³⁰

Among the most prominent instigators of rebellion was Diego Archuleta. It is possible, as Senator Benton suggests, that his hostility could be traced to his disappointment in not being allowed to control the western half of New Mex-

27. Hughes, J. T., *Doniphan's Expedition*, 138.

28. Prince, L. B., *Historical Sketches of New Mexico*, 313.

29. Bancroft, *Arizona and New Mexico*, 431.

30. Ruxton, G. F., *Wild Life in the Rocky Mountains*, 75. For a detailed account of the disorderly behavior of the soldiers in New Mexico see J. H. Smith, *The War with Mexico*, II, pp. 216-217.

ico according to the arrangements entered into with Magoffin.³¹

Early in December the leading citizens of Santa Fe, following the lead of Thomas Ortiz and Archuleta, began definitely to plan the overthrow of the government which had been newly set up. As far as can be ascertained from the meagre accounts which have been preserved, a general massacre of the Americans and their Mexican supporters was planned. The leaders dispersed to various parts of New Mexico in order to stir up a rebellion simultaneously in all the important outlying districts and thus insure success. The night of Christmas eve was finally determined upon as the most favorable time for the assault. Plans were well laid and all seemed to promise success, but the mulatto wife of one of the conspirators revealed the plot to Donaciano Vigil who at once made it known to Colonel Price, and the incipient rebellion was at once suppressed. Many persons suspected of complicity were arrested, but the ring-leaders escaped, notwithstanding the efforts of Colonel Price to prevent this.³²

The Taos Rebellion. While tranquility seemed to be restored, the agitators were not to be so easily discouraged. Another more formidable uprising was being secretly fomented throughout the entire province. As planned, it broke out on the nineteenth of January. Charles Bent, the governor, was murdered at his home at Taos whither he had gone from Santa Fe with a small escort, refusing to believe that his life was in any danger. Massacres of Americans took place on the same day at the Arroyo Hondo, Mora, and on the Colorado.

31. See above p. 76. With the unsatisfactory records which we possess in regard to Magoffin, this can be only conjecture.

32. This account of the rebellion, as well as the following narrative of the later revolt is based on the official report of Colonel Price to the Adjutant General of the Army February 15, 1846 as given in *Niles' Register*, 72, pp. 121-2; and J. T. Hughes, *Doniphan's Expedition* 139 *et seq.* The same may be found in various secondary works such as those of Bancroft, Prince, Read, etc. Local tradition holds that Mme. Tules the noted gambler who went to Santa Fe from Taos was the one who gave the information regarding the uprising to Colonel Price.

The wide extent of the rebellion leads one to doubt the reported willingness with which the New Mexicans had hailed the change in their government. One is led to believe that while the bonds which united New Mexico to the central government were very weak, there was not unqualified approval of the annexation of the province to the United States. Because of its distance from Mexico, which prevented any efficient protection being extended to this outlying province, a strong spirit of real independence and self-reliance had developed among the inhabitants. One evidence of this is found in the successful opposition to the repeatedly attempted imposition of the "estancillas" or the monopoly by the general government of the sale of tobacco. Had the American government shown its ability to bestow on New Mexico what the Mexican government never could—stability of government, safety of property and personal rights together with protection from the hostile Indians, there can be no doubt that the change of authority would have been gladly received.³³ Such assurance, as we have seen, had not yet been given. The revolt and discontent also bear evidence against Mr. Dickinson of New York who, speaking in the Senate in 1848 on the justice of the Mexican War and of our acquisition of all of Mexico said . . . "But whatever may be our policy touching Mexican conquests we cannot, if we would, restore New Mexico and California to that government, for the reason that they will not be restored. . . . As well return to Great Britain what was once her colonial possessions; give back Louisiana to France, Florida to Spain; Texas to Mexico."³⁴

Colonel Price was at once apprised of the revolt. Through intercepted letters of the rebels, he learned that an appeal for aid was being made by the insurgents to the people of the south; that their army was marching toward Santa Fe; that their numbers were being constantly aug-

33. Wislizenus, A., *Memoir of a Tour to Northern Mexico*. (*Sen. Mis. Doc.* 26. 30 Cong., 1 Sess.)

34. *Congressional Globe*, 30 Cong., 1 Sess., p. 158.

mented by inhabitants of the settlements through which they passed.³⁵

An immediate suppression of the uprising was determined upon. Although the inclemency of the weather and a recent heavy snow rendered military movements difficult, the American troops succeeded, after encounters at La Cañada and El Embudo, in forcing the insurgents to retreat toward Taos.³⁶ The bravery of the volunteers won from Colonel Price the highest praise.

At the Pueblo of Taos the Mexican and Indian forces were found firmly intrenched behind the adobe walls which seemed impervious to artillery fire. After an assault lasting over two hours, the American soldiers were withdrawn for the night. On the next day the stubborn resistance was finally overcome, and at nightfall the soldiers entered the town which formally surrendered on the following morning.³⁷

Other rebellions were being crushed at the same time at smaller centres, particularly the village of Mora. An uprising at Las Vegas was prevented by the loyalty of the alcalde and his advisers. By the repeated successes of the American arms, law and order were at length reestablished. The ringleaders of the uprising, fifteen in all, were executed.³⁸

Others who were accused of complicity in the plot to overthrow the American power were tried in the civil court and convicted of treason. Antonio Maria Trujillo, now an old man, was sentenced to death. This sentence was later reviewed, and Trujillo pardoned.³⁹ The defendants held that treason could not be imputed to Mexican citizens until a definite treaty of peace was signed between Mexico and the United States. The report of the trial of Trujillo caused

25. Copy of Official Report of Colonel Price in *Niles Register*, 72, p. 121; Donaciano Vigil to Sec. of State, J. Buchanan, *Ho. Ex. Doc.* 70, 30 Cong., 1, Sess., pp. 19-20.

36. Hughes, *Doniphan's Expedition*, 140.

37. Price, *op. cit.* 122; Garrard, L. H., *Wah-to-Yah and the Taos Trail*, 212-215.

38. Hughes, *op. cit.*, 141; Prince, L. B., *Historical Sketches of New Mexico*, 325.

39. Bancroft, H. H., *Arizona and New Mexico*, 436.

Congress to pass a resolution calling upon the President to give information as to whether anyone had been tried and condemned for treason against the United States in the newly conquered regions and if so, under what authority this tribunal had been established.⁴⁰

The request of District Attorney, Frank P. Blair, appointed by General Kearny, for instructions as to what course to follow in view of the charge of lack of jurisdiction, brought forth the following significant reply from the Secretary of War, Marcy:

The territory conquered by our arms does not become, by the mere act of conquest, a permanent part of the United States, and the inhabitants of such territory are not to the full extent of the term, citizens of the United States. It is beyond dispute that, on the establishment of a temporary civil government in a conquered country, the inhabitants owe obedience to it, and are bound by the laws which may be adopted. They may be tried and punished for offences. Those in New Mexico, who in the late insurrection were guilty of murder, or instigated others to that crime were liable to be punished for these acts, either by the civil or military authority; but it is not the proper use of the technical term to say that their offence was treason committed against the United States; for to the government of the United States, as the government under our constitution it would not be correct to say that they owed allegiance. It appears by the letter of Mr. Blair that those engaged in the insurrection have been proceeded against as traitors to the United States. In this respect I think there was an error so far as relates to the designation of the offence. Their offence was against the temporary civil government of New Mexico and the laws provided for it, which that government had the right and indeed was bound to see enforced. . . . You will I trust excuse an allusion to another subject not officially before me; I mean the state of discipline among our

40. Twitchell, R. E., *The Military Occupation of New Mexico*, 143-4.

troops at Santa Fe. Though I am far from giving credence to the newspaper accounts in relation to it, they ought not to pass entirely unnoticed and may be permitted to prompt a caution on that point.

As commanding officer you cannot err in enforcing the most rigid rules of discipline.⁴¹

The uprising had shown the need of increased vigilance which was maintained during the remainder of the year.⁴² The slightest indication of rebellion was carefully noted and suppressed. After a few weak attempts at insurrection, peace was once more assured but with increased dissatisfaction and distrust on both sides.⁴³

The Treaty of Guadalupe-Hidalgo. While these problems were being worked out in New Mexico the unqualified success of the American arms in the various quarters in which the war was being carried on, culminating in the occupation of Mexico City by General Scott, finally forced the Mexican government to sue for peace. The treaty of Guadalupe-Hidalgo drawn up on February 2, 1848, and formally ratified at Queretaro on May 30, closed the war of which both sides, particularly the United States, had become weary.⁴⁴

Notwithstanding the popular opposition to a prolongation of the war, the treaty as presented by our discredited minister, Trist, was subjected to lengthy criticism and hot debate in the Senate. Some were opposed to any extension of territory "and the incorporation of the vast population which seemed incapable of incorporation;" others, whose expansion ideas were even more progressive than Polk's, would stop at nothing short of the absorption of all of Mexico in simple compensation for the claims against Mexico; while others based their opposition on Trist's lack of authority to negotiate a peace. Public opinion at length

41. *Ho. Ex. Doc. 70, 30 Cong., 1 Sess., pp. 33-4.*

42. Hughes, *op. cit.*, 142.

43. See Bancroft, *Arizona and New Mexico*, 438.

44. For a good discussion of the various aspects of the treaty see Klein, J., *The Making of the Treaty of Guadalupe-Hidalgo, passim.*

triumphed. By a close vote, thirty-eight to fourteen—a change of four votes would have reversed the decision—the treaty was ratified by the Senate.

The opposition to what seemed to Mexico the exorbitant demands of the victor and a total repudiation of the national honor was overcome only by the realization that in the midst of the intestine strife which was then going on, more favorable terms could not be hoped for if the war were continued.⁴⁵

By the terms of the Treaty, the boundaries of the United States were extended to embrace all the land previously held by Mexico within the present limits of the United States, with the exception of the small district known as the Gadsden Purchase territory which was acquired later. Provision was made for the careful marking of the boundary between the two countries; the United States made herself responsible for the preservation of peace and order among the border Indian tribes; assumed the debts of Mexico to American citizens, and agreed to pay to Mexico fifteen million dollars for the ceded territory. Thus New Mexico and California became an integral part of the United States.⁴⁶ Kearny's work had not been in vain; Polk's aim was accomplished; the Pacific was our western limit.

45. Klein, *op. cit.*, 17-19; *Sen. Ex. Doc.* 52, 30 Cong., 1 Sess.; *Ho. Ex. Doc.* 69, 30 Cong., 1 Sess., p. 69.

46 *Ho. Ex. Doc.* 69, 30 Cong., 1 Sess., pp. 8-33.

CHAPTER V

THE INDIAN PROBLEM

The acquisition of the new territory brought to the United States an important and difficult duty. Within the confines of the region were numerous Indian tribes for whose future the federal government was now responsible. It was apparent from the outset that the plan of action adopted in New Mexico must have a two-fold aspect, for here were found two decidedly distinct types of aborigines; the wild roving tribes whose names spread terror far and wide, and the more or less civilized Pueblo Indians.

The Indians of New Mexico. Various estimates have been given of the number of Indians in New Mexico. The discrepancies in these accounts prove that they were based largely on conjecture; but at least they give some indication of the magnitude of the task with which the administrators of government were obliged to cope.

The first report after the American occupation was that given by Charles Bent, appointed Governor and ex-officio Superintendent of Indian Affairs by Kearny. It is more than probable that this approached as nearly to a correct estimate as most of the later records, since Bent, as a resident and trader in New Mexico for many years, had opportunities to make himself familiar with the true state of affairs.

He places first in his report the Apaches or Jicarillas¹ whom he describes as a band, 500 in number, of about one hundred lodges, having no permanent residence but roaming through the northern settlements of New Mexico; an indolent cowardly people living principally by theft committed on the New Mexicans since there was little game in the country and their fear of the other Indians prevented them from venturing upon the plains for the buffalo. Their

1. "Jicarilla (Mex. Span. 'little basket')—An Athapaskan tribe first so called by the Spaniards because of their expertness in making vessels of basketry" (Hodge, F. W., *Handbook of American Indians* I, 631).

only manufacture was a species of pottery capable of resistance to fire. This they exchanged in very small quantities with the Mexicans for the necessaries of life.²

The Apaches proper, according to Bent, ranged through the southern portion of New Mexico through the country of the Rio del Norte and its tributaries and westward about the headwaters of the river Gila. This warlike people of about nine hundred lodges and from five thousand to six thousand persons lived almost entirely by plundering the Mexican settlements, having no knowledge of agriculture or manufactures of any kind. The maguey plant which grew without cultivation in their locality furnished a small supply of food. The amount of stock which they had successfully carried off from the Mexican settlements was incredibly large. An effort had been made by the State of Chihuahua to restrain these marauders by paying them a bounty of so much a day per head, but this had not been a success.³

Next in importance were the Navajoes,⁴ variously estimated at seven thousand to fourteen thousand in number in from one thousand to two thousand families; "an industrious, intelligent and warlike tribe of Indians who cultivate the soil and raise sufficient grain for their own consumption and a variety of fruits." But their chief wealth consisted of flocks and herds. "It is estimated that the tribe possesses

2. *Report of Charles Bent in Ho. Ex. Doc. 17, 31 Cong., 1 Sess.*, pp. 191-194. This report is the source for this description of the Indians of New Mexico, unless otherwise stated.

3. "While Mr. Bailey, a special agent to this tribe, agrees with the testimony of nearly all the people who had any knowledge of them, in pronouncing them the most bloodthirsty, cruel, and treacherous of all the tribes of this section . . . yet he differs from the testimony of Gov. Bent and Schoolcraft and asserts that they were not entirely nomadic, but possessed generally permanent villages in the mountain valleys north of the Gila where they cultivate the soil to a limited extent and where their women and children are beyond the reach of attacking parties" (Marsh, R. E., *The Federal Indian Policy in New Mexico 1845-60*, 11).

4. "Fray Alonso Benavides in his Memorial of 1630 gives the earliest translation of the tribal name in the form Navajo, 'sementras grandes'—'great seed sowings' or 'great fields.' The Navajo themselves do not use this name except when trying to speak English. All do not know it . . . They call themselves Dine which means simply 'people.' This word as a tribal name is used by nearly every people of the Athabaskan stock." (Hodge II, 41.)

30,000 head of horned cattle, 500,000 sheep and 10,000 head of horses, mules and asses, it not being a rare instance for one individual to possess 5,000 to 10,000 sheep and 400 to 500 head of other stock, and their horses are said to be greatly superior to those raised by the Mexicans." Most of their stock had been acquired by depredations on the territory of New Mexico. The Navajo blanket, today so well known, was at that time their chief manufacture. They had no permanent villages or places of residence but wandered over a stretch of territory one hundred and fifty miles in width between the San Juan River on the north and the Gila on the south. The almost inaccessible table lands on which they dwelt, where water was scarce and found with difficulty, afforded them excellent protection against their enemies whom they successfully plundered for captives in men, women and children, to be employed as slaves. At the time of the American occupation many were so held.⁵

The form of government of the Navajoes made it difficult to deal with them for there was no central authority. Power in the tribe was usually proportional to wealth and he who could claim possession of a few head of cattle or horses demanded a voice in the government. He who did not win the approval of the vast majority of the poorer members of the tribe was apt to find himself divested of all authority. This condition made it almost impossible to locate responsibility for crime and properly punish offenders.⁶

North of the Navajoes and west of the northern settlements of New Mexico were the Yutahs⁷ who, according to Bent, numbered eight hundred lodges and between four and five thousand individuals. The mountainous country in which they dwelt abounded in wild game, deer, elk, and bear, which served them for food and clothing. A hardy, warlike people, they subsisted by the chase and carried on a

5. Bent, *op. cit.*

6. *Sen. Ex. Doc.* 35 Cong., 1 Sess., Vol. II, 562.

7. Ute (Hodge II, 874).

predatory war in which they took many New Mexicans captive and drove off large amounts of stock.

These Indians were the most skillful of all the tribes in New Mexico in the use of firearms. At times some of the band would work peacefully for the New Mexicans during the threshing season but their good will could never be relied upon.⁸

Among the other wild tribes described by Bent were the Cheyennes⁹ of three hundred lodges and fifteen hundred souls, and the Arapahoes, two thousand in number in four hundred lodges, who ranged through the country of the Arkansas and its tributaries on the northern part of New Mexico. They were on friendly terms with the New Mexicans with whom they carried on a trade in buffalo robes.

East of the mountains of New Mexico were the twelve thousand Comanches who lived entirely by the chase. These, too, were at peace with the New Mexicans; but caused terror in Chihuahua, Durango, and Coahuila, which they successfully invaded for captives and for herds of horses, mules and asses.

Besides these were the Cayugas whom Bent numbers as two thousand, similar in customs and habits to the Comanches but considered a braver people.

But the most interesting of all the Indians described by Bent were the Moquis,¹⁰ one of the Pueblo group. These neighbors of the Navajoes, numbering three hundred and fifty families or two thousand four hundred and fifty individuals, lived in permanent villages, cultivating grain and fruit, raising all varieties of stock, and engaging in the same manufacturing as the Navajoes. They are described as an intelligent, industrious people. Formerly a very numerous tribe possessing large flocks and herds, at the time of the coming of the Americans, they had been

8. *Sen. Ex. Doc.* 84, 33 Cong., 2 Sess., Vol. I, 377.

9. A large part of this tribe had made permanent headquarters on the Arkansas immediately after the building of Bent's Fort, in 1832. (Hodge I, 252.)

10. Hopi (Hodge I, 560).

reduced in numbers and possessions by their warlike neighbor enemies, the Navajoes.

Deducting from the entire number given in this account five thousand as the probable number of Apaches and Comanches within the boundaries of Texas, Bent computed that there were about thirty one thousand nine hundred Indians in New Mexico.¹¹

The Pueblo Indians were, without a doubt, the most important, although their pacific conduct caused them to be often overlooked by Washington while efforts were being made to restrain the marauding tribes. There were twenty pueblos or villages in New Mexico. In 1849, the Indian Agent, Calhoun, sent to Col. W. Medill, Commissioner of Indian Affairs, statistics regarding the pueblos, based on the census ordered by the Legislature of New Mexico in 1847. He computed that there were in all 6,524.¹² Although in all plans and regulations the Pueblo Indians were treated as a unit, they were, in reality, spread over an area of two hundred miles from east to west. Their languages were quite distinct and few pueblos understood that of others.¹³

In order to acquaint the government with the early history of the Pueblos, the Indian Agent, John Greiner, in 1852 presented to Calhoun, then Governor, important data concerning Spanish and Mexican laws in their regard.

The first edict on this subject was that issued by Emperor Charles V, in 1551, and later adopted by Philip II. This decree recites that the principal cause for lively interest in the natives of the New World was the desire to establish Christianity. . . It was therefore resolved "that the Indians should be brought to settle (reduced to pueblos) and that they should not live divided and separated by mountains and hills, depriving themselves of all benefit spiritual and temporal."

11. *Ho. Ex. Doc.* 76, 30 Cong., 1 Sess., p. 11.

12. Calhoun, Oct. 4, 1849, *op. cit.*, 39.

13. *Ibid.*, 497, 40.

In choosing a site for such a settlement, Philip II ordered that care should be taken to select a healthy place with abundance of tillable soil, "pasturage for the growth of flocks, mountains and trees for wood, materials for houses and other buildings, and water abundant and suitable for drinking and irrigation . . ."

It was also stipulated that definite assignment of land should be made to each settlement that "the sites on which pueblos and settlements were to be formed should have water privileges, lands and mountains, entrances and exits, farming lands, and a common of a league in extent, where the Indians might keep their herds without mixing with those of the Spaniards." In 1541, Charles V ordered that the pastures, mountains and waters should be common throughout the Indies.

In order to prevent the infliction of injury on the flocks or herds of the "reduced" Indians, a law of Philip III in 1618 provided that the grazing lands of large stock should not be within a league and a half of the old settlements and those of small stock less than half a league. In the new settlements the limits were to be twice as great.

To prevent advantage being taken of the ignorance and trustfulness of the Indians by those who would endeavor to obtain from them the property which had been given to them, a law was passed in Mexico in 1781 whereby it was commanded "That in no case, nor under any pretext may sales, loans, pawns, rents, nor any other kind of alienation of Indian lands be executed."¹⁴

How faithfully these laws were carried out most probably will never be ascertained. At least in New Mexico the Indians who were located in pueblos had made much more progress in the arts of civilization than those who were not, and it seems that their land rights were quite well respected even during the weak Mexican administration.

Beginning of Relations between the United States and the Indians of the Southwest. The conquest of Santa Fe

14. *Ibid.*, 497-507.

had scarcely been effected when delegations of many of the tribes presented themselves to Kearny to show their willingness to acknowledge the authority of the United States. Among the first to do so were the Apaches who glibly promised their allegiance if influence would be exerted in their behalf on their enemies, the Comanches, the Utes, the Navajoes and the Arapahoes.¹⁵

On his march to California, Kearny received word that the Navajoes were ravaging the western portion of New Mexico. According to the promises he had made to the citizens, he was obliged to protect the attacked. Colonel Doniphan was therefore ordered against them. With Major Gilpin and Lieutenant-Colonel Jackson he succeeded in making a treaty with these "mountain lords and scourges of New Mexico" who found it difficult to understand why peace with the Americans should imply peace with the New Mexicans so lately the enemy of both.¹⁶

Subsequent events proved that in so far as this and other treaties of similar nature¹⁷ were concerned, the long wearisome march to the heart of the Indian country was utterly useless; but it gave some definite ideas of the wealth of the western tribes in flocks and herds, and some knowledge of the territory inhabited or roamed over by them. It also proved to the Indians that their mountain fastnesses were not as inaccessible to the Americans as they had thought. This had a salutary effect for at least a very brief space of time.

Article XI of the Treaty of Guadalupe Hidalgo. One of the most important provisions of the treaty of Guadalupe Hidalgo was that contained in Article XI which reads:

Considering that a great part of the territories which, by the present treaty, are to be comprehended for the future within the limits of the United States is now occupied by savage tribes who will hereafter be under the exclusive control

15. Hughes, J. T., *Doniphan's Expedition*, 51.

16. *Ibid.*, 51-72.

17. *Ho. Ex. Doc. 5*, 31 Cong., 1 Sess., 113-115.

of the government of the United States, and whose incursions within the territory of Mexico would be prejudicial in the extreme, it is solemnly agreed that all such incursions shall be forcibly restrained by the government of the United States whensoever this may be necessary; and that they shall be punished by the same government, and satisfaction for the same shall be exacted all in the same way, and with equal diligence and energy, as if the same incursions were meditated or committed within its own territory, against its own citizens.

It shall not be lawful, under any pretext whatever, for any inhabitant of the United States to purchase or acquire any Mexican, or any foreigner residing in Mexico, who may have been captured by Indians inhabiting the territory of either of the two republics, nor to purchase or acquire horses, mules, cattle or property of any kind stolen within Mexican territory by such Indians.

And in the event of any person or persons captured within Mexican territory by Indians being carried into the territory of the United States, the government of the latter engages and binds itself, in the most solemn manner, so soon as it shall know of such captives being within its territory and shall be able to do through the faithful exercise of its influence and power to rescue them and return them to their country or deliver them to the agent or representative of the Mexican government. The Mexican authorities will, as far as practicable, give to the government of the United States notice of such captives; and its agent shall pay the expense incurred in the maintenance and transmission of the rescued captives, who, in the meantime shall be treated with the utmost hospitality by the American authorities at the place where they may be. But if the government of the United States before receiving such notice from Mexico should obtain intelligence, through any other channel, of the existence of Mexican captives within its territory it will proceed forthwith to effect their release and delivery to the Mexican agent as above stipulated.

For the purpose of giving to these stipulations the fullest possible efficiency thereby afford-

ing the security and redress demanded by their true spirit and intent, the government of the United States will now and hereafter pass, without unnecessary delay, and always vigilantly enforce, such laws as the nature of the subject may require. And finally the sacredness of this obligation shall never be lost sight of by the said government when providing for the removal of the Indians from any portion of the said territories, or for its being settled by the citizens of the United States; but on the contrary special care shall be taken not to place its Indian occupants under the necessity of seeking new homes by committing those invasions which the United States have solemnly obliged them to restrain.¹⁸

After prolonged debate in the Senate, this article was agreed to in its original form except the section which prohibited the furnishing of arms or ammunition to any Indian by an inhabitant of the United States. Since the Indians lived by the chase, it was argued that to deprive them of firearms would force them to resort to plunder in order to obtain sustenance.¹⁹

The United States thus took upon herself the three-fold task of keeping the several Indian tribes at peace with one another, protecting her own citizens and the adjacent Mexican settlements from their incursions. The physiography of the country and its extremes of climate; Mexican sympathizers residing along the border and within the limits of the United States; unscrupulous traders and "land grabbers" who had nothing but their own selfish interests as actuating principles; conflicts between state and federal, and more especially between civil and military authority; and lack of any agreement between the United States and Mexico for reciprocal crossing the border in pursuit of the ravaging bands, all these factors contributed to render well

18. *Ho. Ex. Doc.* 69, 30 Cong., 1 Sess., pp. 18-20.

19. *Cong., Globe*, 30 Cong., 2 Sess., p. 495.

nigh impossible an overwhelming task even under the most favorable circumstances.²⁰

It is so frequently asserted that Mexico showed herself a very weak, if not stupid administrator in her inability to protect her distant settlements from the ravages of the Indians that it is rather surprising to find that little glory can justly be claimed by the United States because of its greater successes.

Events proved that the assurance of Polk, "If New Mexico were held by the United States we could prevent these tribes from committing such outrages and compel them to release the captives and restore them to their families and friends,"²¹ and the confidence of Buchanan that his government had the will and the power to restrain the wild tribes,²² were more a hope than a fact.

Conditions in New Mexico After the Conquest. Although politics colored so many of the reports of this period to such an extent that it is difficult to distinguish the true from the false, there is more reason to believe than to doubt that the conditions were worse rather than better after the conquest. The St. Louis Republican declared on November 6, 1847, that Indian depredations in New Mexico had been more destructive to life and property during the preceding year than at any other period for twenty years. This was attributed to the lack of military resistance and the fact that American traders were allowed to continue to barter their wares with the Indians who were constantly outraging the people of New Mexico.²³

On October 4, 1848, the Superintendent of Indian Affairs had reported that fewer robberies had been committed on the travelers on the Santa Fé trail during that year than the two previous ones.²⁴ On February 3, 1849,

20. Rippy, J. F., *The Relations of the United States and Mexico, 1848-1860*, 112-113; Calhoun, *Correspondence*, *passim*.

21. *Sen. Ex. Doc. 1*, 30 Cong., 1 Sess., p. 1.

22. *Cong. Globe*, 30 Cong., 2 Sess., p. 495.

23. *Niles Register*, Nov. 6, 1847, Vol. 73, 155.

24. *Ho. Ex. Doc. 1*, 30 Cong., 2 Sess., p. 440.

Colonel Washington communicated to the War Department that there were indications that the wild tribes in the outlying regions "were becoming convinced that they must restrain themselves within prescribed limits and cultivate the earth for an honest livelihood or be destroyed."²⁵

But the Indian Agent Fitzpatrick, through whose district the trail ran, gave an explanation, which later events bore out, of the seeming submission. He would see no cause for the cessation of hostilities except that the Indians had secured so much booty in 1846 and 1847 that they were then luxuriating in the spoils. He warned against the conclusion that any real solution of the problem had been reached. Together with all that were familiar with the true conditions, he asserted that only by an exhibition of real power could the United States impress upon the savages any respect for their ability to punish or restrain them.²⁶

Scarcely had spring arrived when Washington reported that depredations had begun once more and that some American citizens had been murdered at Taos. The regular military force had proven entirely inadequate and he had been obliged to summon a volunteer force which had rendered excellent service.²⁷ On May 30, there were ten more murders at the hands of the Apaches to report, and during the succeeding months the attacks were almost continuous. The need of a stronger cavalry force was urgently insisted upon.²⁸ But Congress was too much occupied with other problems to give adequate attention to the urgent needs of the distant territories.

The Indian Agency in Santa Fe. It was patent that the organization of the Indian Department, provided for in 1834, needed revision in view of the new problems which naturally resulted from the mere immensity of the recent territorial acquisition. But, since Congress failed to make the necessary changes, the President and the commissioner

25. *Ho. Ex. Doc. 5*, 31 Cong., 1 Sess., p. 105.

26. *Ho. Ex. Doc. 1*, 30 Cong., 2 Sess., p. 472.

27. *Ho. Ex. Doc. 5*, 31 Cong., 1 Sess., p. 106.

28. *Ibid.*, 108-10.

of Indian affairs were almost powerless until 1849 when it was determined, in consonance with the provisions of the Act of 1834 to move the Indian Agency from Council Bluffs to Santa Fe.²⁹

James S. Calhoun was appointed first Indian agent for Santa Fe on April 7, 1849. His acquaintance with the region, although slight, and, more especially, political influence, were responsible for his appointment. ". . . he proved himself a thoroughly capable and honest official. Not a single scandal, not a single suspicion of peculation tarnished his record, and in his time, at least, that was a singularly rare experience in the United States Indian service."³⁰

The office was to be no sinecure. No specific instructions could be given since practically nothing definite was known by the Indian Office of conditions in New Mexico.³¹ Calhoun was instructed that he was depended upon to furnish.

. . . such statistical and other information as will give a just and full understanding of every particular relating to them, embracing the names of the tribes, their location, the distance between the tribes, the probable extent of territory owned or

29. Calhoun, J. S., *Official Correspondence*, 1. "The Act of June 30, 1834 was 'An Act to Provide for the organization of the Department of Indian Affairs' and its 4th section reads as follows: '. . . And the President shall be and he is authorized, whenever he may judge it expedient, to discontinue any Indian Agency or to transfer the same, from the place or tribe designated by law, to such other place or tribe as the public service may require.' . . . Under existing law, the number of agencies was limited but that of sub-agencies unlimited. There were two Council Bluffs Indian establishments, a *sub-agency* on the Iowa side of the Missouri River, accommodating the 'united nations of Chippewas, Ottawa and Pottawatomie Indians' and an *agency* on the Nebraska side at Bellevue, accommodating the Otoes and Missourias, the Pawnees and the Omahas. Under the provisions of the Treaty of 1846 . . .' the United nation of Chippewa, Ottawa, and Pottawatomie Indians agreed 'to remove to their new homes on the Kansas River, within two years from the ratification of the treaty.' This discontinued the 'Council Bluffs Sub-Agency' and made it possible for the Indian Office to meet the new needs of the Southwest by reducing the 'Council Bluffs Agency' to a sub-Agency and, that done, completing the number of agencies by erecting one at Santa Fe." (*Idem.*)

30. Calhoun, J. S., *Official Correspondence*, xii-xiii, 3.

31. The Dept. of the Interior was created March 3, 1849, and the Office of Indian Affairs had been transferred as a bureau to it from the War Dept. Thomas Ewing whose family was interested in the Santa Fe trade was appointed first Secretary of the Department of the Interior (*Ibid.*, 9, 10).

claimed by each respectively and the tenure by which they hold or claim it; their manners and habits, their disposition and feelings towards the United States, Mexico and the whites generally and towards each other, whether hostile or otherwise; whether the several tribes speak different languages, and when different the apparent analogies between them, and also what laws and regulations for their government are necessary and how the law regulating trade and intercourse with the Indian tribes . . . will, if extended over that country, properly apply to the Indians there and to the trade and intercourse with them and what modification, if any, will be required to produce the greatest degree of efficiency.³²

He was, moreover, instructed to use every possible means to obtain information regarding any Americans or Mexicans held captive, and if Mexican, whether their capture was prior or subsequent to the signing of the recent treaty. Evidently these last circumstances would affect the obligations of the United States.³³

Calhoun undertook his duties at once, reaching Santa Fe July 22, 1849.³⁴ His voluminous correspondence reveals his intense interest in his new field of labor and his untiring efforts to have his suggestions acted upon by the federal government. In his first report he endeavored to give as accurate information regarding the Indian conditions as the short time he had been in New Mexico allowed. He advocated a conciliatory policy toward the Pueblo Indians whom he described as amicably disposed toward Americans, industrious and anxious to make progress. Toward the wild, roving tribes who had wrought havoc on all sides he advised sternness, in order to prove the power of the United States, and thus elicit respect, followed by generosity towards those who sought peace. He especially recommended an early consideration by Congress of the problem

32. Calhoun, *Correspondence*, 3.

33. *Ibid.*, 4.

34. *Ibid.*, 17.

presented by those tribes which had never learned to support themselves except by plunder.³⁵

In the latter part of 1849 he summarized the suggestions he had made up to that date. He specifically recommended the appointment of agents at various points.

Their presence is demanded by every principle of humanity, by every generous obligation of kindness, of protection, and of good government throughout this vast Territory. These agents . . . should be selected, not only with regard to their prudence and discretion, but with a view to the proper training of the Pueblo Indians in the efficient use of our arms. . . .

By keeping up a proper line of communication between the pueblos and other places in this Territory, it will be no difficult matter to intercept roving bands of robbers, no matter what their color may be so soon as it is ascertained from what quarter they proceed; and that may be done unerringly by an examination of their trail.³⁶

With the suggestions he sent a diagram to show the basis of his decision.³⁷ He suggested:

1st. The establishing of a full agency at Taos, or near that place, for the *Utahs*, and Pueblos of that neighborhood.

2nd. Also a full agency at and for Zunia, and the Navajoes.

3rd. A full agency at Socoro, a military post south of Albuquerque, now being established. The agent of this place to look after the Apaches and Comanches, and the pueblo of Isletta, north. Sub-agents should be sent to San Ildefonso, or near there; to Jemez, Laguna, and at the military post near El Paso.

These agents and sub-agents are absolutely necessary to an economical administration of our Indian affairs in this Territory. It is my honest

35. *Ibid.*, 18-20.

36. *Ho. Ex. Doc.* 17, 31 Cong., 1 Sess., 223-4.

37. *Idem.*

opinion that for the ensuing year, at least, a sub-agent should be in every pueblo, the whole to be under the direction of a general superintendent . . .³⁸

As time wore on, Calhoun began to realize more fully the magnitude of the task before him. But he felt himself equal to the situation if only adequate means were furnished by the federal government to meet the enormous expenditure necessarily incurred in New Mexico where prices were much higher than in the eastern states; if proper agencies were established; and if a strong military force were allowed for the territory or he were authorized to raise a volunteer force. The latter plan he considered the better.³⁹

For three years he labored at a task which should have met with hearty coöperation, but, in reality, was almost ignored by Congress. His correspondence reveals, as nothing else could, the true state of affairs. On November 30, 1849, he wrote, "Matters in this territory are in a most deplorable condition, infinitely worse than you can imagine them, and which, without being an eye witness you cannot realize."⁴⁰ Traveling on the Santa Fe Trail was most hazardous; murders and depredations were of frequent occurrence; among those killed was a well known Mr. White whose wife and child were taken captive; the mail had been robbed; treaties were ignored; the government in the territory was inefficient; Colonel Munroe's refusal to keep Calhoun advised of his plans for suppressive measures by the military complicated affairs; American traders were exerting an evil influence; and Americans travelling through the Pueblo country had been guilty of outrageous conduct which had engendered a bitter feeling in these trustful people.⁴¹

38. *Ibid.*, 224.

39. *Ibid.*, 17, 57, 65, 104, 228, 255, 288.

40. *Ibid.*, 88.

41. Calhoun *Correspondence*, *passim*.

But Calhoun had more than complaints to offer. His suggestions were carefully planned to meet the exigencies of the situation. On January 15, 1850 he reported, "The trade and intercourse with the Apaches and Comanches by Mexicans, Americans, and Pueblo Indians, is rapidly increasing and until this is checked we cannot hope for the slightest improvement in our affairs.

1. Let the laws regulating trade, etc., be extended over these tribes at once.
2. Each tribe should have *fixed limits* assigned to them, and there compelled to remain, though the United States Government should have to support them for a time.
3. The laws of No. 1 should be extended over the Pueblos, and they divided in such a way as to give to each district an Agent and each pueblo for this year should have a sub-agent.
4. These Agents should have Ordnance and Ordnance Stores to be used as occasion may require.
5. It is my decided opinion it would be the best possible economy to send out two mounted regiments for service here—without them you cannot keep the Indians in the limits you may assign them, nor can you prevent an illicit trade and intercourse and the people of this territory must neither expect safety to their persons or property.

A few Indians ought to be called to Washington."⁴²

The last suggestion was the one of the necessity of which Calhoun was evidently thoroughly convinced. He thought that by this means the Indians would be impressed with a true idea of the power of the United States for which they had little respect. He had reported in 1849 that ". . . the wild Indians of this country have been so much more successful in their robberies since General Kearny took possession of the country, they do not believe we have the power to chastise them." There are few so bold as to

42. *Ibid.*, 100.

travel alone ten miles from Santa Fe.⁴³ Thus the American population was decreasing. Many went to California or returned east.⁴⁴

Some treaties with the Indians, notably those with the Navajoes and Utahs, had been entered into, but, like too many others, might just as well not have been drawn up. They did, however, give the two peoples an opportunity to come into close contact and thus revealed to the Americans characteristics of the Indians as well as the nature and extent of the territory. This information was found useful in determining the future policy.

Calhoun certainly used all the means at his command to comply with the terms of the Treaty of Guadalupe-Hidalgo. He had succeeded to a limited extent in accomplishing the provision regarding the liberation and return of captives. On at least three occasions he had such reports to make. On June 27, 1850, thirteen Mexican captives were confided to José M. Prieto at El Paso, five more were delivered in the same place on August 5, 1851, and later in the same month three others were being held awaiting the disposal of their government.⁴⁵

But he repeatedly warned Washington that claims would undoubtedly be brought against the United States by Mexico for depredations committed along the border by the Indians who travelled with impunity from one side of the line to the other. To the argument that the expenses of the War Department must be cut down and therefore no more troops could be apportioned to New Mexico, he replied that a decisive show of strength would effectively put a stop to the possibility of plunder and the amount expended would be much less than the United States was making herself liable for.

By forcing the Indians to remain within prescribed bounds, the end would be gained. Besides preventing the

43. *Ibid.*, 31, 32.

44. *Sen. Ex. Doc.*, 1, 31 Cong., 2 Sess., p. 140; Calhoun, 28 *et seq.*; *Ho. Ex. Doc.* 5, 31 Cong., 1 Sess., 111-2.

45. Calhoun, *op. cit.*, 390, 401, 427.

depredations on the Mexican as well as American population, this line of action would render protection to the Pueblo Indians who were becoming more and more dissatisfied with the conditions under American rule. Under both Spain and Mexico they had been allowed to protect themselves from the inroads of the wild tribes, particularly the Navajoes, by retaliatory raids. Now this was forbidden them and they found themselves practically helpless. Neither they nor the Mexicans could understand the propriety of the government at Washington refusing to allow them to take vengeance on their aggressors when it was evident that it could not protect them, unless it was the intention of this government to make good their losses from its own treasury. They repeatedly demanded arms and ammunition.⁴⁶

Another source of grievance was the assumption of power in the pueblos by the alcaldes who now found it possible to rule in a most arbitrary fashion. Under the Mexican domination they had exercised practically self-government and were naturally opposed to its abrogation. Furthermore their property rights were being questioned by both American and Mexican claimants to land within the pueblos.⁴⁷

Calhoun soon realized that the intercourse of traders with the Indians, particularly the Pueblos, required strict and careful regulation. Their influence against the Indian agency was constantly being manifested. Through the traders the wild tribes obtained arms with which to nullify the exertions of Calhoun. They worked on the fears of the Pueblos by representing the weakness of the United States and the certainty of the restoration of Mexican power which would result in the extermination of those Indians who had consented to the American rule. Their motive for this disgraceful course of action was the desire to exclude other Americans from the Pueblo lands in which they were mak-

46. *Ibid.*, 31, 76.

47. *Ibid.*, 77.

ing a fortune by their bartering. The extent of the influence of the traders was manifested by their traveling with impunity through those regions in which the most hostile tribes dwelt.⁴⁸

Definite but ineffectual efforts were made to regulate this traffic. On November 21, 1849, Calhoun was authorized by Governor Munroe to issue a notice regarding traders' licenses. Each applicant was obliged to give bond, not to exceed five thousand dollars, that he would not violate the general laws of the United States governing intercourse with the Indians and would not trade in implements of war. Licenses would authorize trading with a specific tribe and with no others. Permits for trade with the Apaches, Navajos, and Utahs were for the time refused.⁴⁹

To anyone conversant with the failure of the United States to enforce trade laws with the Indians throughout the entire west during these years, it is not surprising to find that these regulations of Calhoun were successfully evaded and the evil continued to as great an extent as before.

The very distance of New Mexico from the center of government and the difficulty of intercommunication between the two places increased the magnitude of problems of control. Much of the mail was lost and that which escaped the Indian raids, reached its destination only after a long delay. Thus often no authorization for a suggested course of action could be given to Calhoun whose powers were very limited, until the need of such action was passed.

The Indian Problem in Congress. By the close of the year 1849, practically nothing had been accomplished by the federal government except the establishment of an agency at Santa Fe. The good which this had been able to do could be attributed to the untiring efforts of the person who filled the office, rather than to any definite policy on the part of the United States, or, apparently, any lively interest in

48. Calhoun, 51, 71; *Ho. Ex. Doc.* 17, 31 Cong., 1 Sess., *passim*.

49. Calhoun, *op. cit.*, 105.

what was going on., Although partially due to ignorance of the true state of affairs, this indifference can also be traced to the absorbing nature of other problems with which the United States had to cope at the time and the successful blocking of legislation by the opponents of the administration.

The same was true in 1850 although at the close of the year Calhoun was appointed governor of the newly organized territory. This gave him more authority although disputes with the military power, represented by Sumner, were more pronounced than during the administration of Munroe who, though not always in sympathy with Calhoun's plans, did render effective assistance on many occasions.⁵⁰

In January 1851, the commissioner of Indian affairs reported to Calhoun that with the exception of the report of the committee of Ways and Means recommending an appropriation of \$36,000 for fulfilling the treaties of 1849 with the Navajoes and Utahs, no action had been taken by Congress in reference to Indian Affairs in New Mexico.⁵¹

Perhaps no peoples in the territory suffered more than the Pueblo Indians, yet Calhoun could report in 1849 that they were the only Indians in complete friendship with the government of the United States. He described them as "an industrious, agricultural and pastoral people living principally in villages . . . on both sides of the Rio Grande."⁵²

In the "gold rush" to California many adventurers followed the road which passed by the Pueblo of Zuñi about two hundred miles from Santa Fé. These Indians were harassed by the Navajoes and Apaches but "what is shockingly discreditable to the American name, emigrants commit the greatest wrongs against these excellent Indians, by taking, in the name of the United States, such horses, mules, and sheep, and grain as they desire, carefully concealing their

50. *Ibid.*, *passim*.

51. *Ibid.*, 297.

52. *Ibid.*, 18.

true name, but assuming official authority and bearing." The same, if not greater, wrongs were suffered by the Indians of Laguna.⁵³

Calhoun repeatedly reported that neglect of the Pueblo Indians, exposing them to attacks which they were not allowed to repel with their own forces because they were presumably under the protection of the United States, was not only unjust but also impolitic. They would make willing and useful allies in warfare with the roving bands of Indians. They could also supply the many necessary articles of food if their industries were protected. "These people can raise immense quantities of corn and wheat, and have large herds of sheep and goats—the grazing for cattle generally is superior."⁵⁴

Yet almost every letter from Calhoun recites the continuance of unrest and dissatisfaction. Having been promised protection, the Pueblos could not understand why it was not accorded to them.

That the opinions of Calhoun were based on facts is proven by the report of L. Lea, the Commissioner of Indian Affairs in 1850 to the Secretary of the Interior.

The ruinous condition of our Indian affairs in New Mexico demands the immediate attention of Congress. In no section of the country are prompt and efficient measures for restraining the Indians more imperiously required than in this territory, where an extraordinary state of things exists, which so long as it continues, will be a reproach to the government.

There are over 30,000 Indians within its limits, the greater portion of which, having never been subjected to any salutary restraint are extremely wild and intractable. For many years they have been in the habit of making forays, not only within the Territory itself, but in the adjoining provinces of Mexico . . . Our citizens have suffered severely from their outrages within the last two years . . . Atrocities and aggressions are com-

53. *Ibid.*, 30-31, 45.

54. *Ibid.*, 40, 53

mitted not only upon our citizens but upon Pueblo Indians. . . . Before the country came into our possession, they were in the habit of repairing the injuries they sustained by retaliation and reprisals upon their enemies; but from this they are required to desist; and thus the duty is more strongly imposed upon us of affording them adequate protection. The interference of the government is required also to secure them against violations of their rights of persons and property by unprincipled white men, from whose cupidity and lawlessness they are continually subject to grievous annoyance and oppression.

. . . It is believed that by pursuing a wise and liberal policy toward them . . . they will in a few years be fitted to become citizens; and being industrious, moral, and exemplary, in their habits will constitute a valuable portion of the population of the territory.⁵⁵

On February 27, 1851, an appropriation was made for four Indian agents for New Mexico and one for Utah,⁵⁶ but little more was done by the federal government.

The responsibility for this inertia cannot be laid to the charge of the administration. The conditions on the frontier formed a vital part of President Fillmore's message of December 1850. The President called the attention of Congress to the deplorable state of affairs and reminded the members of our treaty obligations to Mexico which were not being fulfilled.⁵⁷

Any effort to obtain an appropriation for the proper management of the Indians which meant an increase in the army brought forth discussions on the responsibility for the Mexican War or other party issues; and the Committee on Ways and Means was inclined to cut down the estimates sent in by the War Department.

Criticism of the expense of maintaining the army considered so extravagant in peace times was heard on all sides.

55. *Sen. Ex. Doc. I, 31 Cong., 2 Sess., p. 42.*

56. *Rippy, op. cit., 118.*

57. *Richardson, Messages and Papers of the President V, 87.*

The answer was always the same. We had taken the burden on ourselves by the treaty and moreover, less would be required to convince the Indians of the power of the United States than would later be necessary to subdue them when a real war, which could be expected daily, should break out.⁵⁸ Some would even return the newly acquired land to Mexico and even give her a few millions to take it back.⁵⁹ Later it was solemnly suggested by the Secretary of War that all the land be bought from the inhabitants and they be given land elsewhere since it was not from any viewpoint worth the money which was being spent. The Indians could then be left in undisputed possession.⁶⁰

Still nothing decisive was done and conditions in New Mexico daily became worse. On July 9, 1851, Governor Calhoun received a memorial from the people of Santa Fé setting forth the lamentable state of the country since the American occupation. In order to show the unqualified necessity of raising a volunteer force composed of the people of New Mexico to protect their own lives and property, the statement was made

. . . at the present time New Mexico does not possess one tenth of the property she owned in the previous years; it has been swept away as by an impetuous torrent, our prosperity has been converted into misfortune and the present miserable condition of New Mexico is the fatal result of the misfortune which has taken place paralyzing every branch of industry to the greatest degree and being the cause of continued murders and the taking of nearly all the property owned in New Mexico.⁶¹

Finally in August 1852, \$20,000 were appropriated for general Indian service in New Mexico and the general appropriation bill set aside \$65,000 for the segregation of the Indians according to the early suggestions of Calhoun.

58. *Cong. Globe*, 31 Cong., 2 Sess., 689, 721 *et. seq.*

59. *Cong. Globe*, 30 Cong., 1 Sess., 1052-1063.

60. *Cong. Globe, App.* 32 Cong., 2 Sess., 103 *et seq.*

61. Calhoun, *op. cit.*, 386.

AMERICAN OCCUPATION OF NEW MEXICO 197

But this was a paltry sum in view of the expense of patrolling the frontier and though conditions were somewhat improved in New Mexico during the next year, the Indians were causing greater havoc than ever on the Mexican side of the boundary.⁶²

The Indian agents who had been appointed made considerable effort to meet the obligations of the treaty of Guadalupe-Hidalgo. Before December 30, 1853, when the Gadsden Treaty changed the responsibility completely, four important Indian treaties were made, three of which were ratified by Congress. Each provided that the Indians should deliver up Mexican prisoners. The treaty with the Gila Apaches, even went so far as to pledge the Indians in future to desist from making hostile or predatory incursions into Mexico. It is well known that these Indians had numerous Mexican prisoners and it is safe to assume that after the signing of the treaty these were returned to their homes. Something, then, had been accomplished by the agents notwithstanding the difficulty of their task.⁶³

The Indian Policy of Mexico. There is no foundation in fact for the assumption that Mexico made no attempts to defend herself from the Indians during this time, and refused to cooperate with the efforts, such as they were, of the United States.⁶⁴

Immediately after the treaty of Guadalupe-Hidalgo, the northern frontier was marked out into three divisions, the Frontier of the East, the Frontier of Chihuahua, and the Frontier of the West. Among these eighteen colonies were distributed. Generous offers were made to those who would second the efforts of the Government to make settlements on the boundary. The land around each colony, after being improved at government expense, was to be assigned to the soldiers for cultivation. During his terms of service, the soldier, recruited by voluntary enlistment for

62. Rippey, *op. cit.*, 118, 135.

63. Calhoun, *op. cit.*, 314-16; Rippey 126-7.

64. This account of the efforts made by Mexico to protect herself is based on Rippey, J. F., *Relations of the United States and Mexico, 1848-1860*, 135-151.

a term of six years, was to share the fruits of the soil, and at the expiration of his term was to receive a bounty of ten pesos and the allotment of land which he had been cultivating. Provision was also made for civilian settlers around each colony which, on reaching a certain population, was to be given a civil government.

In the course of the next four years all the colonies were set up either permanently or temporarily. Soldiers had been recruited, and by treaties in 1850 and 1852 with peaceful Seminoles and Muskogeese, they had been permitted to settle in the vicinity of the colonies of the East and Chihuahua; in 1851 reduced Sierra Gorda Indians were sent to increase the frontier forces.

The towns on the frontier exposed to the Indian raids formed leagues for common defense, and private individuals contributed to war and ransom funds. Finally the frontier states of Nuevo Leon, Chihuahua, Zacatecas, Tamaulipas, and San Luis Potosi (1851) began plans for union for the purpose of self-defense.

That these measures were ineffective was due to the internal dissensions in Mexico, "the chaotic state of the national funds, the poverty of the frontier states, epidemics of cholera and fever, the quest for gold which drew a large number of Sonorans annually to California, and lastly by the filibusterers who, beginning their raids in 1851, kept the whole northern frontier in almost constant agitation."⁶⁵

Numerous complaints were made by Mexico on account of the failure of the United States to fulfill the obligations imposed by Article XI of the Treaty of Guadalupe-Hidalgo. In March 1850, De la Rosa, the Mexican Minister at Washington, represented that the only advantage which could "compensate Mexico for the many sacrifices" which the late treaty "rendered necessary" was the exact fulfillment of the stipulations in regard to the Indians. Early in January, 1852, the Mexican Minister of Relations, Ramirez, demanded that "in virtue of this obligation—contracted and

65. *Idem.*

not fulfilled—means should be devised to indemnify Mexico for the fatal consequences” which had resulted.

The United States Government held that it was not liable for damages inflicted by the Indians but that it was only obliged to exact the same satisfaction from the savages for raids into Mexico as if these had been against the United States. Reports that Mexico was preparing to present heavy claims and that speculators were buying up these claims caused efforts to be made to obtain release from the Article which it was now seen to be practically impossible to fulfill. The complete story of the efforts made by the United States to obtain this release has never been told, but it is known that the attempts made during the latter part of 1851 to gain this end by a payment of some six or seven million dollars were failures.

The border Indian problem, then, served as one of the many incentives to the United States to endeavor to bring about a satisfactory adjustment of the strained relations between herself and Mexico. That this was achieved through the Gadsden Treaty has already been noted. The greatest gain to the United States was the abrogation of Article XI of the former treaty. The Indian situation thereby lost its international character but did not cease to be one of the most difficult problems with which the United States was obliged to cope in the Southwest. The account of how satisfactory control was finally effected belongs to the later history of the United States.

NOTES

PROFESSOR BLOOM IN SEVILLE

IT WAS late in January before I could be rid of my *bracero* of charcoal in my room as the days grew longer and warmer. Nor do I have to wear my overcoat and rubbers all the time to keep out the deadly chill while at work on my papers. Pruning and planting began over a month ago; border flowers and flowering trees and shrubs are showing lovely old Sevilla at its best. I see, too, plans of the many *cofradios* and the authorities are well advanced in preparation for the *Semana Santa* and the feria which comes later, April 18-20. They are expecting many visitors, including a special shipload from Italy; also from Portugal, and other parts of Spain.

“Are there any more potatoes around anywhere? We’ve had none since December . . . meat only twice a week, and the fish leaves much to be said, alas. The workers are, all too many of them, under arms. But I make out a satisfied feeling by buying chocolate after meals. And with this state in the hotels, one wonders how the lower classes get along . . . Change is now given in stamps when you buy something under a *peseta* which is paper money, of course. And when you buy your newspaper on the street in the rain and your change is in stamps, it isn’t so good! This has been on for some time.

“Conditions at the Archivo under Dr. Bermudez-Plata who is the prince of a man, are very pleasant and satisfactory. Working hours are from 8 a. m. until 2 p. m. and I manage to get over there when they open the doors if the milkman is not late so I can get my *desayuno* of a roll and coffee. I am accommodated in every way possible by Dr. Bermudez-Plata and his assistant, Señor Pena, who, whenever he is at the desk, allows me the privilege of sending for two *legajos* at a time which speeds up the research a whole

lot. Both of these fine fellows were here when Mrs. Bloom and I worked here ten years ago.

"Nor can I ask more from the censor's department than they are doing. It would certainly have sunk me if I were required to make a print of all the thousands of pages I am doing every week! The *Jefe* was rather rueful at first . . . there was not enough paper in Spain to do the printing on, for one thing. I told him it only saved him more work, and he, smilingly, said it would have to go that way.

"I guess I wrote that my list of requests from the government covered fifty-eight pages closely written . . . My second list has not yet gone through but I am allowed to anticipate somewhat which helps a lot as frequently when I get into some new material I find more I want!

"Two things hold me up—the slowness at the "Kodak" in developing my films every night; and the clerk whose job it is to stamp every page I bring. The other day when I asked the Señorita at the desk how long it was going to take her to stamp my next volume of 2,000 pages she calmly said 'Six hours, I think.'

"And by the way, that 2,000-page document which is *Coronado's Residencia* is a honey. It alone has been worth the trip and makes up for the five months it took to run it down. *March* will always be a red letter month for me from now on. It will take me two full weeks to photograph it. I still hope that Salas will be around to help me with the photographing but he is still weak and his work at the Cathedral Sacristy takes about all the strength he has . . . he is the one who has done things for Scholes since 1934."

Feb. 26th. "Yesterday I photographed a *Bocanegra Probanza* which included the *meritos* of Coronado (his father-in-law)—this is of 1605 when New Mexico was again to the fore . . . and I am getting *De Vargas* papers from a dozen different places, etc., etc. . . . Then, there is the paper I have with *three* Coronados some of his numerous daughters, but no son yet has turned up in the records—in 1550, I mean!

"We are having pork now but beef only twice all last month. Too the fruit has tapered down to a small, poor banana and a tangerine. The olives also are small and bitter. Everything went to feed Barcelona, I guess. They are making me do a lot of repeating by the way they spoil my films nearly every time, and while I cannot say anything, it surely burns me up to have to go backward instead of forward for a certain time every day. I am certainly thankful for these first months of uninterrupted research before they gave me permission to photograph . . . one could spend a life time here and still miss something! Five and a half hours standing up at my table takes a lot of my vim but it would suit me if they allowed me ten a day!

"Dr. Mendez and the other man are still here trying frantically to get their 'salvo conducto' to go back to Mexico . . . harder to get out than to get in!

"Since I began photographing, on February 8, I have had 20 days at the Archive and finished 210 films which average 40 *cliches* each! and I believe that I can count on fifty days more which should rate me something like 20,000 pages. I'll surely try for it! The electroderm I had to buy because of all those rainy months in Rome has stood me in good stead here too. My light timing has been correct with no uncertainty, rain or shine! One thing I learned in the Vatican was that a cloudy day takes less time than a bright one.

"About the can of film that Scholes tried to send over since *January of last year*. The can has been across the Atlantic three times; been at Gibraltar twice, and was finally located at the customs house at Badájoz! Our Consul here finally got it straightened out with the authorities as to the 'permiso' of bringing it into Spain. Then, the *permiso* got lost in the mail! It isn't here yet, March 9th. I had an idea such things might happen so brought lots with me from Paris. I am even able to 'accommodate' friends and 'trade around.' "

March 12th. "It is being very worth while to go into the first viceroy's activities . . . a dozen different lines could be run down with profit if one had the time, time for research.

I have been at work in the *Libro de Pasajeros* which is in *Seccion de Contratacion* . . . Last week I photographed an entire volume, compiled in 1644 but embodying records back to Mendoza's time . . . *a complete register of conquistadores!* . . . Published years ago but not available to us, and this will be a mine of information! For example, it has the *informacion* on Coronado which Fanny Bandelier got (given in Hackett, vol. 1) but others which she did not get—so far as I know anyhow. And it will be a kind of encyclopedia, background, of many others on whom I have listed papers. Gosh! My head surely swims sometimes."

Professor Bloom expects to return to the States via Salamanca and Portugal. Salamanca is Coronado's natal city, and he hopes to be able to bring home adequate photographs. Letters mailed to catch the April 29th boat from New York, and after that the REX, Italian Line, sailing on May 13th to Gibraltar will be the last times he will receive mail from the States. He hopes to be on the campus for commencement, June 4 and 5.

BOOK REVIEWS

So Live the Works of Men. Seventieth Anniversary Volume, honoring Edgar Lee Hewett. Edited by Donald D. Brand and Fred E. Harvey. (The University of New Mexico Press, Albuquerque, 1939, \$10.00. Copyright by the University of New Mexico and the School of American Research.)

This "Festschrift" does indeed honor Dr. Hewett; it is a notable collection of papers, many of them make permanent contributions of scientific value, and they are, almost without exception, scholarly and interesting. The editors, Dr. Brand, head of the Department of Anthropology at the University of New Mexico, and Mr. Harvey, manager of the University of New Mexico Press, have every reason to be proud of the volume they have compiled after more than three years of laborious effort. Not only have they secured a group of papers that will give the book high rank among this type of publication, but the list of contributors is impressive, the editorial work shows careful and intelligent planning, and the book itself is a thing of beauty, typographically good, finely bound and well illustrated.

Twenty-seven papers by as many authors compose the volume. The range of subject matter is extremely wide; the fields of archaeology, ethnology, history, philology, art, philosophy, journalism, education, conchology, geography, and more are represented. The geographic range is of equal scope; many of the principal regions of the world are subjects for discussion in some way. The collection amply demonstrates the catholic interests of Dr. Hewett and his close associations among diverse men.

The first three papers are of a personal nature. Lansing B. Bloom contributes a biographical study of Dr. Hewett that is sympathetic and informative. Arthur Stanley Riggs writes of him from an association of two decades when Riggs was editor of *Art and Archaeology*. He says of *Ancient Life in the American Southwest*, generally regarded

as Dr. Hewett's best book, "Now, years later, . . . I can say boldly that this book stands head and shoulders above any other archaeological book written in this country, since the classics, for the wisdom and depth of its philosophy, its breadth of vision, its analysis of the problems visualized, their relations to present day cultures, and the literary skill of the author." Paul A. F. Walter, in his paper, evaluates the work of Dr. Hewett as a scientist, author, and teacher. Dr. J. F. Zimmerman, in a foreword, pays tribute especially to the honoree for his work in organizing and developing the Department of Archaeology and Anthropology at the University of New Mexico.

A discussion, even individual mention, of all the fine papers in this volume is clearly impossible within the space of a single review. And the reviewer would need be endowed with broad knowledge in a good many fields to select with confidence the most notable ones. Perhaps some indication of the content of a few representative papers will serve to convey at least an impression of the flavor of *So Live the Works of Men*.

The realm of Southwestern archaeology in the book includes an admirable paper by Frank H. H. Roberts, Jr., *The Development of the Unit Type Dwelling*, in which he describes some Arizona excavations he conducted, which clearly showed, in a series of houses in one village, that the unit-type house there resulted from a progression in four stages from a typical pit house origin. Since this house type is found in various sections of the region, and its seeming maturity has long baffled workers, this unravelment of its development would seem to be an important addition to archaeological knowledge.

Carl Sumner Knopf, in *Some Ancient Records from Babylonia*, reproduces a series of tablets, accompanied by transliterations and translations of their inscriptions, in a series of excellent plates. In a brief text he discusses how recent finds have upheld the once heretical theory of Clay that the Semitic cradle was not Arabia, but a northern cul-

ture region, the land of Amurru. One of the tablets presented, hitherto unpublished, refers to Amurru definitely as a specific geographical unit. Interesting mention is made of the journey to Iraq, made in 1923, on which Dr. Hewett accompanied Dr. Clay, and both were injured in an accident on the desert.

The chronological development of pottery in the Eastern Mediterranean and archaeological methods in its study is the subject of a paper by W. F. Albright, notable for the clarity with which it covers the ground in such a condensed space. A paper by H. Rushton Fairclough that might have been written to accompany it, discusses *Early Racial Fusion in Eastern Mediterranean Lands*.

Two papers primarily in the realm of literature, and distinctive as such are, *Mongolian Epics (Diary Leaves)*, by the artist, Nicholas Roerich, and *Aeneas as a Hero*, by Louis E. Lord.

Other papers on the American scene, stretching from Alaska to Mexico, to Honduras and on to Peru are presented by Hrdlicka, Hodge, Kidder, Brand, Harrington, Morley, and others. Hrdlicka's review of new knowledge of anthropological riches in the Alaska area, chiefly gained from his explorations of the past decade, is especially informative. Morley's presentation of twelve new sculptured pieces, bringing his "The Inscriptions at Copan" up to date, is important. Brand and Kidder each throw new light on a little known archaeological area, Durango and Chihuahua, Mexico.

All in all the Hewett Anniversary volume does credit to all concerned and may well be considered to establish a standard for future volumes of this type.—WAYNE MAUZY.

Ancient Andean Life. By Edgar L. Hewett, D.Soc., LL.D., L.H.D. The Bobbs-Merrill Company, Indianapolis and New York. 336 pp. Illustrated.

The author, Dr. Edgar L. Hewett, does not deny that he is unorthodox as a writer and as a scientist. In fact, he admits it. He writes: "As in the previous works of this

series, there are no footnotes nor citation of authorities. I know that specialists are sticklers for 'authorities.' Well, when nine-tenths of what you have learned has been derived from the works of people who never signed their creations—builders, potters, weavers, myth-makers, dramatizers—practitioners of every art and craft known to man, citation is not feasible. So, to be equally considerate of the non-literary and literary authorities, I omit all references." Nevertheless Dr. Hewett quotes extensively and gives generous credit to those who have worked in the same field.

The book conveys more than its title would indicate. Its first seventy pages are a culture history, a philosophy of human relations. A sharp distinction is drawn between civilization and culture. The setting for human culture as it is found in the deserts, the great river valleys, the coast lands, and continental islands, the intermountain plateaus and the sterile lands is described and analyzed. The author is rather skeptical of the validity of written records and history, and places much greater dependence on what is revealed by pick and shovel. This is further elucidated in the last fifty pages of the text, a retrospection and conclusion of the three volumes which tell the story of ancient life in America, this being the final volume. The fact that archaeology is a comparatively modern science is emphasized. The great names of archaeological investigators, twenty-five of them, are enumerated and something of their work is told and evaluated. Then the author tells of his own observation in the trenches during the past forty years, beginning his research on the Pajarito plateau, thirty miles west of Santa Fé, and from there extending it into the far regions of the world. It is in these final chapters that the author has his fling at those who devote a life time to the minutiae of sorting potsherds without grasping the broader aspects of the sciences of man. He writes: "Archaeology is creating a demand for leaders somewhat different from the average *instructor* or *professor*. Those well-meant terms offer me some scope for poking fun, as does the cherished nomenclature of my south-

western colleagues, the creators of the 'Basket Maker,' the 'Pit Dweller,' the 'dendrochronologist,' *et al.*"

It is in Part Two, beginning with page 73, that "The Andean World," as it extends from Ecuador through Peru, into Bolivia, comes to life, from its most ancient human days to the present. The geographic setting is described vividly. Dr. Hewett has observed it from the air, as well as on foot and he is a keen observer. "I have gone over the places where Andean history has been made, and studied the natural conditions on the ground, besides availing myself of the studies of geographers and climatologists who have worked on the picture." The factors essential to an understanding of the Andean world, are presented in the following sequence: "Andean Horizon," "Andean Life Today," "The Epoch of the Incas," "Pre-Inca Times," and "Andean Origins," thus working backward chronologically. The text is colorful, at times eloquent and leaves the thorough reader with an understanding of ancient as well as modern Andean life which can be gained in no other way.

The book is handsomely printed, beautifully illustrated, well bound, and is as interesting to the general lay reader as it is informative to the student of archaeology and history.—P. A. F. W.

The Historian—Published semi-annually by Phi Alpha Theta Fraternity. Volume 1, Number 1. University Press. Winter 1938.

Mainly through the initiative of Dr. George P. Hammond of the University of New Mexico, the national honorary fraternity in history, Phi Alpha Theta, has launched a professional periodical, which makes fascinating reading at the same time offering a medium for publication of results of research and study in the field of history. If the contents of the first number are a criterion, the Spanish Southwest will command a preponderant position in number as well as interest of contributions to its pages. That may be due to the fact, that the editor, Dr. Hammond, who is the national historian of the fraternity, is located at the Univer-

sity of New Mexico and is an authority in the field of Spanish colonial history. Anyway, he was designated at the eighth biennial convention of Phi Alpha Theta at Philadelphia in 1937, to found the magazine and has fulfilled the mandate conscientiously and ably, with credit to himself and the fraternity. The leading article is by Robert M. Denhardt, "Spanish Horses and the New World," a contribution amply annotated and of value to the student of American history. Edgar F. Goad writes on "Bandelier's Early Life," which is part of a biography that will be noteworthy for the research that has gone into it and for the vivid picture it presents of a great personality. The book is to be published in time for the Bandelier centennial celebration in 1940. Other essays are: "Some Misconceptions Relative to the Constitutional Convention," by Frank Harmon Garver; "Talleyrand's Last Diplomatic Encounter," by J. E. Swain; "Oil at Hobbs, New Mexico," by Margery Power; and "Correlations between the History of the United States and the History of Hispanic-America," by William J. Martin. In conclusion there are twelve pages of personal notes from various chapters of Phi Alpha Theta.—P. A. F. W.

The History of History. By James T. Shotwell, Bryce Professor of the History of International Relations, Columbia University. Volume I. Columbia University Press. 407 pp. Illustrated.

A scholarly work essential to the student of history. "The recasting of traditional perspectives in the light of original source material." "History is both a science and an art—the research which is science and the narration which is art." "It is archaeology by means of which the scope of history has been extended so far beyond the written or oral records. The advance along this line, during the nineteenth and twentieth centuries, has been one of the great achievements of our age. The vast gulf which separates the history of Egypt by Professor Breasted from that by Herodotus gives but a partial measure of that achievement. By the mechanism now at his disposal, the scientific explorer can read more history from the rubbish heaps buried in the

desert sand than the greatest traveller of antiquity could gather from the priests of Thebes." Also: "Anthropology has shown us how absurd has been our interpretation of what civilized man has been thinking and doing, so long as we have ignored his uncivilized, ancestral training."

With this approach to his subject, the author calls to his aid psychology, economics, philosophy, and concludes: "History is more than events. It is the manifestation of life, and behind each event is some effort of mind and will, while within each circumstance exists some power to stimulate or to obstruct." "There is almost nothing to learn from antique interpretations of history." . . . "Even Aristotle never knew how many things there were in politics besides politics." The first chapter is stimulating and whets the appetite for that which is to follow. It is devoted to "The Interpretation of History," and while leaning heavily upon Kant, Hegel, Feuerbach, and even Karl Marx, comes to the conclusion that "No doctrines of the rights of man have caught the imagination with such terrific force as these doctrines of the right of God, which from Paul to Augustine were clothed with all the convincing logic of Hellenic genius and Roman realism. It is hard for us Christians to realize the amount of religion which Christianity injected into the world." "The measure of civilization is the triumph of the mind over external agents."

Thus one is tempted to quote from the succeeding chapters: "Prehistory; Myth and Legend"; "Books and Writing"; "The Measuring of Time"; followed by an analysis of Egyptian Annals, Babylonian, Assyrian and Persian Records, Jewish, Greek and Roman History, and finally "Christianity and History," concluding with a review and critique of Augustine's "City of God." The bibliography, while not exhaustive, is sufficient of a guide to historical literature for the student.

The typography, the illustrations, the binding, the appearance of the book, are characteristic of the excellent productions of the Columbia University Press, a delight to the bibliophile and trained librarian.—P. A. F. W.

NECROLOGY

WILLIAM B. WALTON

SILVER CITY, N. M., April 14—William B. Walton, prominent New Mexico attorney and the state's representative in Congress in 1916, died at 8:45 p. m., Friday night, after a lingering illness. He was 68. A native of Altoona, Pa., he had lived in New Mexico since 1891, taking an active part in the state's political life. He was a Democrat. His first election defeat was suffered in 1918 when Albert B. Fall defeated him for the United States Senate. Surviving are his widow, Mrs. Dorothy Walton; a son, William B. Walton, Jr., of Oakland, Cal.; two daughters, Mrs. Leona Neblett, of Los Angeles; and Dr. Lou Walton, head of the New York University of English; a sister, Mrs. Elizabeth Stark, of Newark, N. J.; and a brother, Dr. Louis Walton, of Altoona.

He was a past grand master of the New Mexico Grand Lodge of Masons, a past exalted ruler and life member of the Elks, a past president of the State Bar Association, and a member of the American Bar Association. He was born January 23, 1871, in Altoona, Pa., where he received his early education in the public schools, before attending the South Jersey Institute at Bridgetown, N. J. He came to New Mexico in 1891, making his home at Deming, where he began the study of law and purchased *The Deming Headlight*, a weekly newspaper. He was admitted to the bar in 1893. Two years later he was elected Probate and District Court clerk on the Democratic ticket and moved to Silver City, where he has lived ever since. When he began his law practice, he sold *The Deming Headlight* and purchased *The Silver City Independent*, which he edited and managed for many years, finally selling it to Col. Clyde Ely, of Santa Fe, in 1934. Walton served in the thirty-fourth territorial Legislature in 1901; was probate judge and ex-officio collector of Grant County from 1902 to 1907; served as a member of

the board of managers and secretary of the Louisiana Purchase Exposition in 1903; was a delegate to the Democratic national convention in 1908 and several succeeding national conventions. In 1910, he was named president of the board of regents of the New Mexico Normal School (now the State Teachers College). The following year he was elected state senator, an office he held until 1916, when he was elected Congressman from New Mexico. He was later named district attorney for the sixth Judicial District.—From Associated Press dispatch in *Albuquerque Morning Journal*.

OLD ISSUES WANTED

The New Mexico Historical Society will pay \$5.00 for a copy of the quarterly, *Old Santa Fe* (published 1913-1916), Volume II, number 2; and \$2.50 for additional copies; also \$1.50 each for a limited number of NEW MEXICO HISTORICAL REVIEW, Volume I, number 1, mailed or delivered to the office in Santa Fe.

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NEW MEXICO HISTORICAL REVIEW

VOL. XIV

JULY, 1939

No. 3



PALACE OF THE GOVERNORS

PUBLISHED QUARTERLY BY
THE HISTORICAL SOCIETY OF NEW MEXICO
AND
THE UNIVERSITY OF NEW MEXICO

NEW MEXICO HISTORICAL REVIEW

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LANSING B. BLOOM

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PERCY M. BALDWIN
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THEODOSIUS MEYER, O. F. M.

VOL. XIV

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CONTENTS

- Report of the Commissioners on the Road from
Missouri to New Mexico, October, 1827
Ed. by Buford Rowland 213
- The American Occupation of New Mexico, 1821-1852
Sister Mary Loyola 230
- I Helped Raise the Rough Riders, Albert W. Thompson 287
- Necrology 300

Subscription to the quarterly is \$3.00 a year in advance; single numbers (except Vol. I, 1, 2, and II, 1) may be had at \$1.00 each.

Volumes III-XII can be supplied at \$4.00 each; Vols. I-II are out of print in part.

Address business communications to Mr. P. A. F. Walter, State Museum, Santa Fe, N. M.; manuscripts and editorial correspondence should be addressed to Mr. Bloom at the University of New Mexico, Albuquerque, New Mexico.

Entered as second-class matter at Santa Fe, New Mexico
UNIVERSITY PRESS, ALBUQUERQUE, N. M.

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(INCORPORATED)

Organized December 26, 1859

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CONSTITUTION

OF THE

HISTORICAL SOCIETY OF NEW MEXICO

(As amended Nov. 19, 1929)

Article 1. *Name.* This Society shall be called the Historical Society of New Mexico.

Article 2. *Objects and Operation.* The objects of the Society shall be, in general, the promotion of historical studies; and in particular, the discovery, collection, preservation, and publication of historical material, especially such as relates to New Mexico.

Article 3. *Membership.* The Society shall consist of Members, Fellows, Life Members and Honorary Life Members.

(a) *Members.* Persons recommended by the Executive Council and elected by the Society may become members.

(b) *Fellows.* Members who show, by published work, special aptitude for historical investigation may become Fellows. Immediately following the adoption of this Constitution, the Executive Council shall elect five Fellows, and the body thus created may thereafter elect additional Fellows on the nomination of the Executive Council. The number of Fellows shall never exceed twenty-five.

(c) *Life Members.* In addition to life members of the Historical Society of New Mexico at the date of the adoption hereof, such other benefactors of the Society as shall pay into its treasury at one time the sum of fifty dollars, or shall present to the Society an equivalent in books, manuscripts, portraits, or other acceptable material of an historic nature, may upon recommendation by the Executive Council and election by the Society, be classed as Life Members.

(d) *Honorary Life Members.* Persons who have rendered eminent service to New Mexico and others who have, by published work, contributed to the historical literature of New Mexico or the Southwest, may become Honorary Life Members upon being recommended by the Executive Council and elected by the Society.

Article 4. *Officers.* The elective officers of the Society shall be a president, two vice-presidents, a corresponding secretary and treasurer, and a recording secretary; and these five officers shall constitute the *Executive Council* with full administrative powers.

Officers shall qualify on January 1st following their election, and shall hold office for the term of two years and until their successors

Article 5. *Elections.* At the October meeting of each odd-numbered year, a nominating committee shall be named by the president of the Society and such committee shall make its report to the Society at the November meeting. Nominations may be made from the floor and the Society shall, in open meeting, proceed to elect its officers by ballot, those nominees receiving a majority of the votes cast for the respective offices to be declared elected.

Article 6. *Dues.* Dues shall be \$3.00 for each calendar year, and shall entitle members to receive bulletins as published and also the *Historical Review*.

Article 7. *Publications.* All publications of the Society and the selection and editing of matter for publication shall be under the direction and control of the Executive Council.

Article 8. *Meetings.* Monthly meetings of the Society shall be held at the rooms of the Society on the third Tuesday of each month at eight P. M. The Executive Council shall meet at any time upon call of the President or of three of its members.

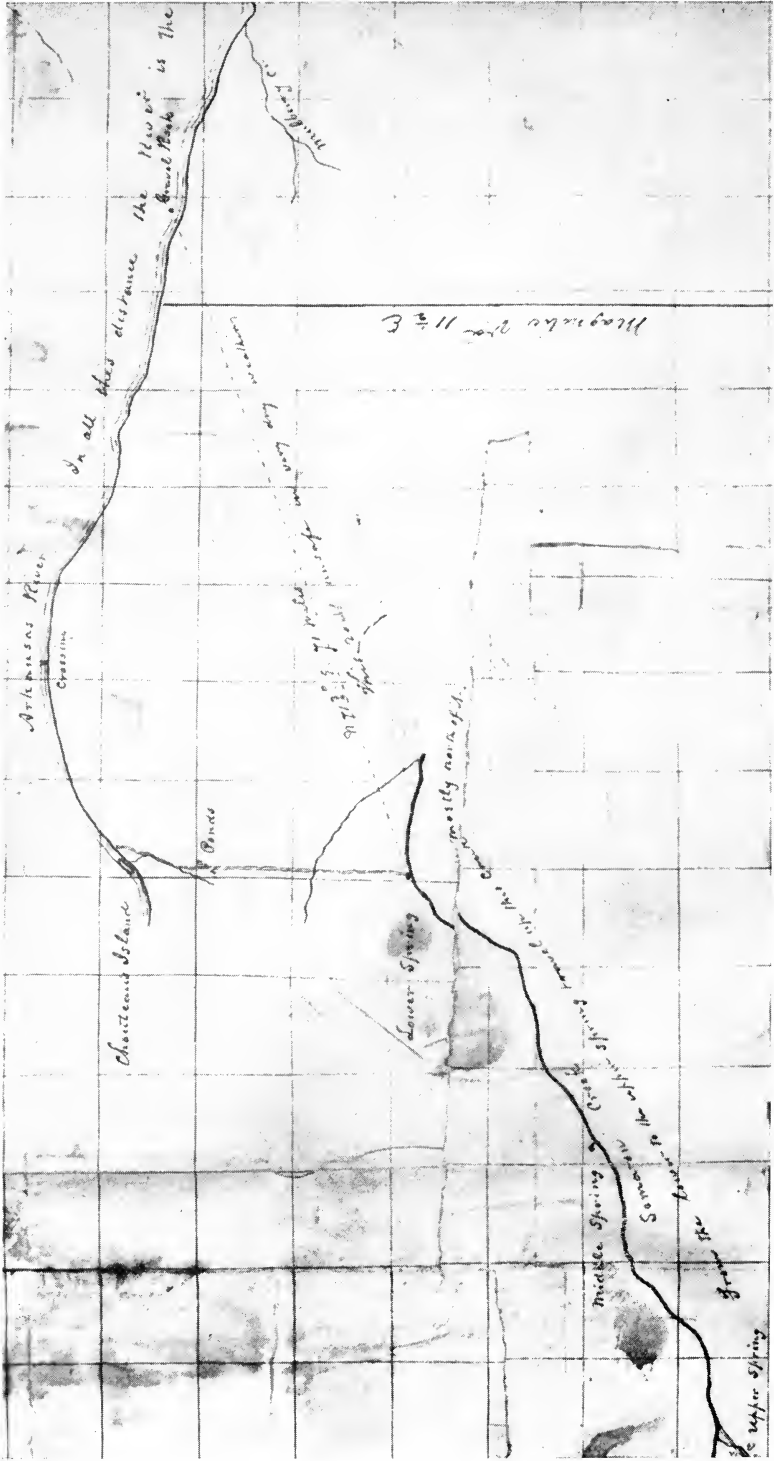
Article 9. *Quorums.* Seven members of the Society and three members of the Executive Council, shall constitute quorums.

Article 10. *Amendments.* Amendments to this constitution shall become operative after being recommended by the Executive Council and approved by two-thirds of the members present and voting at any regular monthly meeting; provided, that notice of the proposed amendment shall have been given at a regular meeting of the Society, at least four weeks prior to the meeting when such proposed amendment is passed upon by the Society.

Students and friends of Southwestern History are cordially invited to become members. Applications should be addressed to the corresponding secretary, Lansing B. Bloom, University of New Mexico, Albuquerque, New Mexico.







Sector Showing the International Boundary, from Jos. C. Brown Plat of Santa Fé Trail Survey (1827)
 Scale 12 Miles to Square

NEW MEXICO HISTORICAL REVIEW

VOL. XIV

JULY, 1939

No. 3

REPORT OF THE COMMISSIONERS ON THE ROAD FROM MISSOURI TO NEW MEXICO, OCTOBER 1827

Edited by BUFORD ROWLAND

DURING a visit to his constituents in the summer of 1824, Senator Thomas Hart Benton of Missouri was impressed by the fact that the subject of commercial intercourse with Mexico bulked large in the thoughts of the people. By this time the citizens of the new state had inaugurated a thriving trade with the Mexicans in spite of the hostility of the Indians through whose territory the merchant caravans had to pass. The Missourians told the senator that this trade would increase greatly if the government secured permission from the Indians to mark a road over which men and merchandise would have safe passage.¹

Benton promised to sponsor the necessary legislation during the next session of congress. He asked that petitions be sent to Washington showing the advantages of such trade and the necessity of government protection. To secure first hand information about this trade he addressed twenty-two questions to Augustus Storrs upon the "origin, present state, and future prospect" of commercial intercourse between Missouri and Mexico.² With these documents Benton hoped to secure favorable action.

1. National Archives, SEN 18A-G7, "petitions from citizens of Boone and Howard Counties."

2. Storrs had served as postmaster at Franklin, Missouri, and had engaged in the Mexican trade in the summer of 1823. Stephens, F. F., "Missouri and the Santa Fe Trade," in *Missouri Historical Review*, X, 241. His answers to Benton's questions were printed as *Sen. Doc. 7*, 18 Cong., 2 Sess.

It was Benton's plan to place the matter before the senate early in the session which convened in December 1824, but, failing to receive the petitions during the first week of congress, he complained, ". . . the petitions on the subject of the Mexican trade have not yet arrived. They contain a body of facts upon which we can commence legislation with a good prospect of success."³ Shortly afterwards the petitions and Storrs' answers were received. Benton immediately presented them to the senate, and, on his motion, they were referred to the committee on Indian affairs of which he was the chairman.⁴ With these documents at its disposal the committee, on January 11, 1825, reported a bill which authorized the president "to appoint Commissioners to mark out a Road from the Western frontier of the State of Missouri, to the boundary line of the United States, in the direction of Santa Fe, of New Mexico." The commissioners were to make treaties with the intervening tribes of Indians for the marking of the road and for its unmolested use, and the president was to negotiate with the Mexican government for permission to continue the road into New Mexico. The bill appropriated \$10,000 to pay the cost of marking the road, and twenty thousand more for the expenses of treating with the Indians.⁵

In urging passage of the bill, Benton informed the senate that this trade with Mexico had amounted to some \$190,000 the previous year, and could be expected to increase many fold if it were regulated and protected. The increase would prove beneficial not only to Missouri but to the country as a whole since the chief exports were cotton goods which were manufactured in the North from cotton purchased in the South.⁶ With such a national appeal the bill

3. Benton to the editor of the *Missouri Intelligencer*, Washington, D. C., 1824. Quoted in *Missouri Intelligencer*, January 25, 1825.

4. *Senate Journal*, 18 Cong., 2 Sess., December 14 and January 3.

5. National Archives, SEN 18A-B2, no. 23.

6. *Register of Debates*, 18 Cong., 2 Sess., I, 342; *Missouri Republican*, February 7, 1825.

passed with little opposition, and on March 3, 1825, received the approval of President Monroe.⁷

The new president, John Quincy Adams, appointed George C. Sibley, Benjamin H. Reeves, and Thomas B. Mather to the commission,⁸ and on July 17, 1825, they began the survey at Fort Osage, now Sibley, Missouri. The commissioners did not complete their duties until July 1827, and it was not until October that they submitted their report to James Barbour, secretary of war.⁹ The report was lent to Colonel A. H. Sevier, the delegate from Arkansas Territory, and he in turn placed it in charge of the secretary of the senate in whose files it has been buried for many years.¹⁰ It was only when the senate records were transferred to The National Archives that the report was discovered.¹¹

THE REPORT OF THE COMMISSIONERS ON THE ROAD
FROM MISSOURI TO NEW MEXICO
OCTOBER 1827¹²

To The Honorable

James Barbour

Secy. Dept. of War

Washington City

Sir,

The undersigned Commissioners appointed by The President to carry into effect the Act of Congress passed on the 3d day of March 1825 "To authorise The President of The United States to cause a

7. *Senate Journal*, 18 Cong., 2 Sess., March 3, 1825.

8. Sibley, a citizen of Missouri, previous to his appointment had spent sixteen years in public service as sub-Indian agent and factor at Fort Osage. Reeves resigned as lieutenant-governor of Missouri to accept the appointment. Colonel Pierre Menard of Illinois was offered a place on the commission but could not serve, and the appointment was then given to Thomas Mather, speaker of the Illinois house of representatives. Hulbert, A. B., ed., *Southwest on the Turquoise Trail*, 101.

9. National Archives, Division of Justice Department Archives, "Register of Letters Received, A," no. 876.

10. T. L. McKenney to Sibley, Washington, August 31, 1829, National Archives, Division of Interior Department Archives, "Indian Office Letter Book," VI, 76.

11. National Archives, SEN 20A-J4, "Report of the Commissioners on the Road from Missouri to New Mexico, October 1827." The report is accompanied by the field notes of the Surveyor, Joseph C. Brown, and a very lengthy Journal kept by George C. Sibley. This Journal, as yet unpublished, covers the period from June 22 to November 30, 1825; and coupled with the Sibley Journal which covers the period from October 12, 1825 to March 31, 1826, printed in Hulbert's *Southwest on the Turquoise Trail*, gives a detailed account of the work of the commission.

12. Errors in spelling and punctuation are here reproduced without comment.

Road to be marked out from the Western frontier of Missouri to the confines of New Mexico" have after some unavoidable delays, fully completed the duties assigned them, and now do themselves the honour to lay before you, for the information of the Government, the following Report.

Anxious to execute the intentions of Congress promptly, The Commissioners did not lose a moment after the receipt of your communication dated the 16th of March 1825 (announcing their appointment and conveying to them instructions) in making Suitable preparations for the work before them aware that the Season would be far advanced before they could collect their Men and the necessary equipment on the frontier, and that they would probably be obliged to encounter the extreme heat of Summer and the Still greater inconvenience of the Prairie flies—These apprehensions were fully realised; for it was not 'till the 17th of July that the enterprise could Set forward from Fort Osage;¹³ the point fixed on for the commencement of the proposed Road, and the Journey for the first 160 miles was attended throughout with difficulty and embarrassment arising chiefly from the annoyance of the Green flies of the Prairies, which obliged the party to travel much in the night, frequently leaving the direct route in order to find Shelter from the flies during the day in the Small Groves, that are Seen, here and there Scattered, like little green Islands over the plains.—This irregular way of traveling not only harassed the Horses and Mules excessively, but rendered a Satisfactory viw and Survey of the country impracticable at the time; and a Subsequent examination necessary.

The only intervening Tribes of Indians whose consent it was deemed incumbent upon The Commissioners to obtain by Treaty, to the marking out and free use of the Road, were the Great and Little Osages and the Kansas; and as it was known to be most agreeable to the wishes of the Chiefs and head men of those Tribes, who were consulted by Mr. Sibley on the Subject at S. Louis in June, to meet The Commissioners at some convenient places on their route from Fort

13. The party consisted of 33 hired men; two servants; J. C. Brown, surveyor; Archibald Gamble, secretary; and the three commissioners. Sibley Journal, July 12. Bill Williams was engaged as interpreter. The appointment of Brown and Gamble, because of their wealth, was the occasion for "spiteful remarks" on the part of unsuccessful applicants. *Missouri Republican*, May 16, 1825. The camp regulations for hired hands were drawn up by Sibley: "all gentlemen coffee drinkers, and those unable to saddle a horse or cook their victuals, are barred; wages, \$20 per month, hands to furnish their own groceries, if any, except in case of sickness; no regular supply of bread to be expected; all hands to be expert rifle-men and hunters; no access by hands to the commissioners' stores or tents; no difference of social rank to furnish basis for favored treatment; hands must expect that the commissioners will maintain camp order and discipline." Culmer, F. A., "Marking the Santa Fe rail," *NEW MEXICO HISTORICAL REVIEW*, IX, 80.

Osage to The Arkansas River; it was believed to be unnecessary to postpone the Survey and examination of the route through the Territory claimed by those Tribes; these being at most only preliminary operations necessary to the ultimate location and "marking out" of the Road.—

On the 10th and 16th days of August, The Commissioners met Successively by appointment, full deputations of the Chiefs and Head Men of The Osages and Kansas,¹⁴ and after carefully explaining the objects and wishes of The Government, so as to be perfectly well understood by them, concluded and signed the Treaties that have been already reported to, and duly ratified by the competent authorities.¹⁵

14. The meeting place with the Osage was 160 miles from Fort Osage and was named Council Grove by the commissioners. The Kansas were met on the Sora, (Kansas) Creek, 238 miles southwest of Fort Osage. Sibley Journal, August 5 and August 15.

15. The following entries in the Sibley Journal give a good description of the negotiation of these treaties: "Tuesday 9th August—Council today with the Osages—The Commissioners explained to them fully & clearly what they desire respecting the Road; and proposed to give them \$800 as compensation for the privilege of marking it through their Land & the free use of it forever—After a few minutes conversation among themselves; the Chiefs declared their Assent to the proposition, & expressed their readiness to execute a Treaty to that effect—And they were told that The Commissioners would meet them again tomorrow, prepared to conclude & sign the Treaty as now agreed on.—And then the Council rose, to meet again tomorrow., "Wednesday 10th August—The Commissioners met the Osages in Council at 11 o'clk: The Treaty was prepared for Signature agreeably to the arrangement made yesterday, and after it was read & carefully explained to the Osages by the Interpreter, it was signed in due form by the respective parties, and a duplicate copy given to the principal Chief—The Comm. then paid them Goods to the value of \$300 St. Louis cost, and gave them an order on Mr. Augustus Chouteau, a Trader now at their Village, for Ammunition, Knives, etc. Such as they may choose to the value of \$500 at fair prices—And that finishes our business with The Osages . . .

"Thursday 11th August—. . . The Osages were stirring very early, and were ready to take leave of us by 6 o'clk. On bidding me good bye they generally expressed to me their entire Satisfaction with the result of their Visit to our Camp—three or four individuals of but inferior note, seemed a little dissatisfied because they had not Shared as largely as they expected in the distribution of the Goods; for this they blamed the Chiefs however, under whose direction the Goods were divided. The Chiefs & principal men all went away perfectly satisfied, as well they might, for The Commissioners allowed them very liberally, as I think, for the right of Way through the country claimed by them as their right, is at best a doubtful one, if the Treaty lately Signed by them at St. Louis with General Clark is ratified and confirmed by Congress—

"Monday 15th August—. . . After we had all got a little settled in camp, we had a Council with the Kansas, & having explained to them fully our wishes in relation to the Road, we proposed to them precisely the same terms that we agreed on with the Osages at Council Grove—and these terms they accepted without any hesitation; and agreed to sign a Treaty to the Same effect—We told them the Papers would be ready in the morning, & the council rose.

"Tuesday 16th August. . . The Commissioners met the Kansas formally in council. The Treaty was exhibited in due form, containing all the stipulations required by the Act of Congress, and the prompt payment of \$800 in full compensation for the right

Having thus completed their negotiations with the "intervening Tribes of Indians" within the limits of The U. States, The Commissioners proceeded with their Survey and examination without any further interruption to the Boundary line between the United States and Mexico, at the point (as nearly as they had the means to ascertain it) where the 100th degree of Longitude West from London intersects the Arkansas River—which point is in North Latitude 37°-47'-37"—is distant from Fort Osage by the Survey as now corrected 386 43½/80 miles, and which they reached on the 11th day of September.—

When The Commissioners Set out from Fort Osage, they entertained the expectation of being able to carry their Surveys and examinations quite through to the frontier Settlements of New Mexico, before the Winter Set in, So as to enable them to locate and mark out the Road as they returned home early the next ensuing Summer; and to this end were all their preparatory arrangements made, and all their exertions pointed. And they were fully justified in indulging this expectation, by the assurance of your Letters, that measures had been taken to obtain the cooperation or consent of the Mexican Government, which it was hoped would be effected in time to prevent any delay at the boundary line, and by the well founded belief that The Government of Mexico would promptly accede to a Measure which was obviously quite as much, if not more, to her advantage than to that of The United States.¹⁶

Great was the disappointment of The Commissioners therefore, when on their arrival at the Line they were obliged to Suspend their operations for want of the expected authority to proceed through The Mexican Territory.—¹⁷ They waited 'till the 20th of September in the

16. Joel Poinsett was appointed minister to Mexico shortly after the passage of the bill authorizing the survey. He was instructed by Clay, the secretary of state, to secure the consent of the Mexican government for the continuation of the survey into Mexican territory. The authorities in Washington thought this consent would be secured before the commissioners reached the boundary and that the survey could be continued without delay. Manning, W. R., "Diplomacy Concerning the Santa Fe Road," in *Mississippi Valley Historical Review*, I, 518-519.

17. The boundary between Mexico and the United States was in dispute and Alamán, the secretary for foreign relations, refused his consent to the survey in Mexican territory until treaties of commerce and limits between the two countries had been concluded. Poinsett pointed out that the road would be of mutual benefit regardless of where the boundary was finally located, but Alamán replied that he could not "separate the negotiations concerning the road from those concerning limits and a general commercial treaty." *Ibid.*, 519-520.

of way through the Territory of the Kansas forever—all which was read and carefully explained, and then the Parties signed and executed the Treaty in due form. A duplicate copy of which was given to the Head Chief, after which we delivered them Goods to the value of Three Hundred Dollars, St. Louis Cost; and gave them an order on Curtis & Ely, Traders near them, for Goods such as they may want to the value of Five Hundred Dollars, at fair cash prices—The Chiefs expressed their perfect satisfaction with this arrangement."

daily hope that they might receive the permission to go on with their Survey, but in vain, and the Season being now so far advanced, it was believed that go which way they might, there was but barely time left to reach the Settlements before the Setting in of the Winter; especially with reduced and tired Horses and Mules—It was obviously necessary therefore, to determine immediately what to do, and promptly to set about it. After much deliberation, The Commissioners at length concurred unanimously in adopting the following plan of procedure—That One of them accompanied by The Surveyor and a Small party of the hired Men, should proceed to New Mexico as expeditiously as possible to find winter quarters at or near the city of Santa Fè.—The other two Commissioners, with all the remainder of the Men and equipment Should return to Missouri as Speedily as they could.—That if the Government Should so direct, the two Commissioners returning should join the other in New Mexico as early as practicable the ensuing Summer; while the one in New Mexico Should possess himself of Such information within his reach, as might be desirable to enable the Board properly to locate the Road; or in any event that portion of it within the limit of The United States; it being considered indispensable necessary for The Commissioners to possess some previous knowledge of the country, and the route between the Arkansas and the frontier Settlements of New Mexico to enable them even to make a definitive location of the eastern Section of the proposed Road.

This arrangement was considered at the time it was adopted, decidedly the best one that could be made; and subsequent events have proven, that it was the only one that could have been carried into effect by which The Commissioners could possibly have completed the Road even as soon as they have done it—It has also been the means of reducing the expense Somewhat, that was necessarily attendant on the unlooked for delay of the Mexican Government.—

To Mr. Commissioner Sibley was assigned the duty of proceeding to Santa Fè; it being understood that he was to remain in N. Mexico no longer than 'till the 5 of July unless he Should have Substantial reasons to justify a longer Stay.—¹⁸

On the 22d Sept. the two parties took leave of each other, and proceeded on their respective journies—The returning Party completed theirs early in November—The other arrived Safely at San Fernando in the Valley of Taus on the 30 day of October.¹⁹

18. Sibley was accompanied by the surveyor, interpreter, and nine men. Sibley Journal, September 20.

19. The night of his arrival Sibley received an official call from the alcalde and the curate. "Altho I suspected that these men were acting a little arrogantly, yet I deemed it proper to treat them with proper civility—I therefore gave them to understand, as briefly as I could, why I had come here, and told them that I should explain myself more fully to the Governor of the Territory, as soon as I conveniently could." *Ibid.*, October 30. Sibley's contempt for the lesser Mexican officials is well illustrated in L. B. Bloom's "Two Sibley Letters," in *NEW MEXICO HISTORICAL REVIEW*, IX, 94-97.

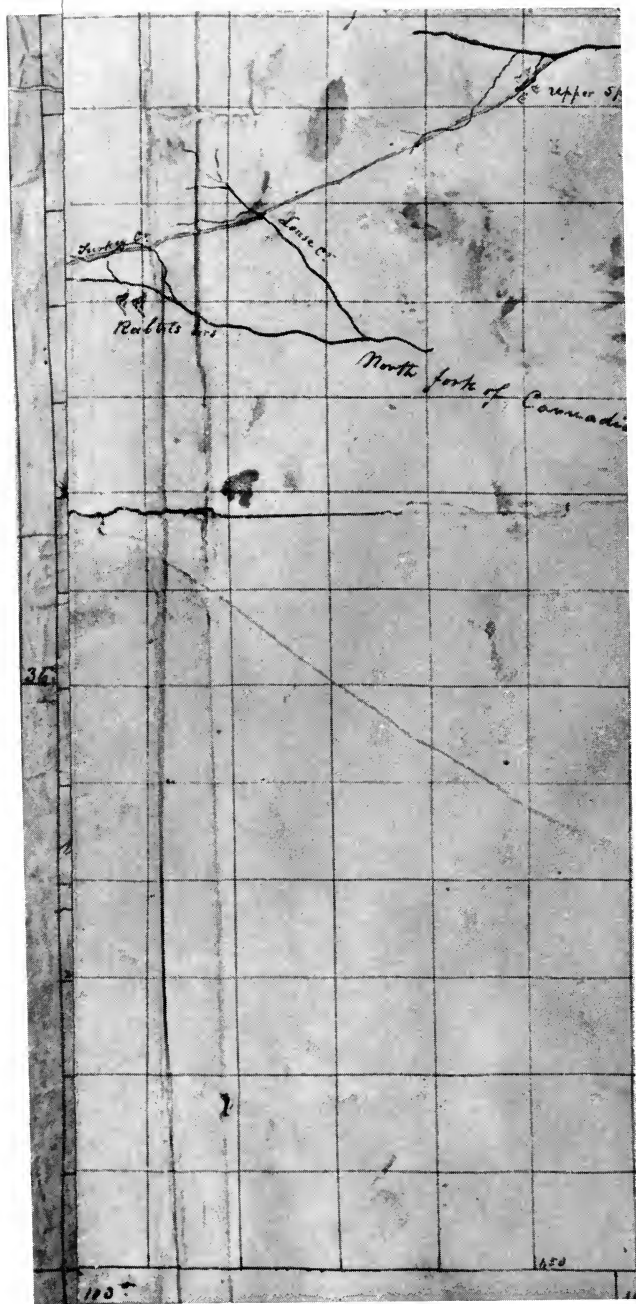
Very soon after his arrival, Mr. Sibley enquired of the Governour of The Territory (resident at Santa Fè) if the Govt. of Mexico had taken any order in relation to the Road; and was answered that none had been communicated to him—Mr. S. immediately addressed a Note to Mr. Poinsett, informing him of the progress already made by The Commissioners, Stating the Serious inconveniences and expense of delay, and urging him to obtain the necessary order, if possible in time to enable The Commissioners to complete the Road early the next Summer—This Note was dispatched to Mexico in a few days, under the Governour's envelope by the monthly courier, was duly received by Mr. Poinsett, who answered by return of the courier, that he had not yet been able to effect any arrangement with the Government at Mexico for the continuance of the Road through the Territory of that Government, but entertained hopes that he would soon obtain one—Mr. Sibley also addressed Governour Narbona on the Subject verbally & by notes, who professed himself to be most favourably inclined towards the establishment of the projected Road, and promised to represent to his Government his views of its importance, which he Said he could Strikingly set forth in the fact that the Trade from Missouri already yielded an annual revenue of Twenty Thousand Dollars, besides many other great advantages.²⁰

Notwithstanding these flattering hopes and promises, no order was received from Mexico on the Subject of the Road 'till the 16th of June 1826; when Mr. Sibley received a note from Mr. Poinsett informing him that on the 13th of May he had obtained from The President of The Mexican States an order to The Governour of The Territory of New Mexico "To permit Mr. Sibley Commissioner of The U. States to make an examination of the Western part of the Road from Santa Fè to Missouri without marking or cutting it out, or establishing any work of any class."—and on the Same day Mr. Sibley received an official notification to the Same effect from Governour Narbona.²¹

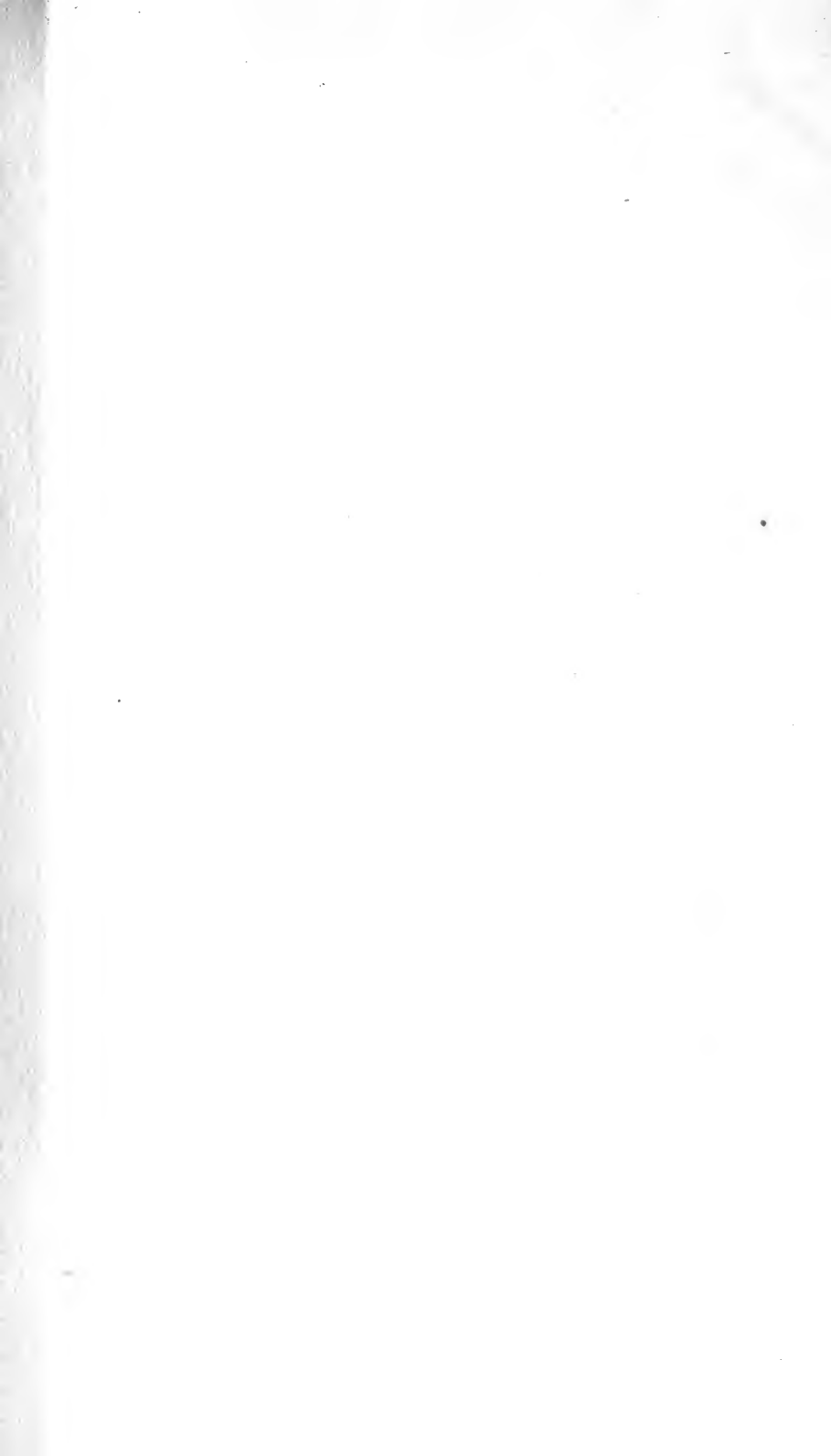
Although this permission fell very far Short of what might have been reasonably expected; and could not indeed have been deemed sufficient to warrant The Commissioners in accepting it, without further instructions, if it had been communicated and received otherwise than it was; yet from the knowledge Mr. Sibley possessed of the country through which "the Western part of the Road" must pass, he did not

20. Sibley described Narbona, who had been appointed to the Santa Fé post just a few months previously as "a Gentleman of pretty good talents, quite a man of business, and having been recently appointed to his present Station by the Genl. Government by whom he is well known, I have no doubt he [knows] their views pretty well & has their confidence." Sibley Journal, November 30.

21. The governor also informed Sibley that the Mexican government found it impossible to send an agent to cooperate with him in the survey. Manning., *op. cit.*, 528.



From Original Plat, Now in the National Archives



entertain a moment's doubt as to the propriety of its being accepted & acted on by The Commissioners; all the circumstances being duly considered.

The following extract of a Letter from Mr. Sibley to Mr. Poinsett dated "Valley of Taus in New Mexico, June 19th 1826" will sufficiently illustrate his views (and those of all The Commissioners) on this Subject. "This very restricted permission would avail the Commissioners but little indeed, if it were not for the fact, that there is no "Marking" or "cutting out" or any "Work" necessary, or indeed practicable to be done on any part of the Road within the Mexican Territory—From the crossing of The Arkansas to this Valley and to Santa Fè, the Road will not pass over timbered land exceeding one mile in the whole and that is so scattered and open, that it can be passed without the least difficulty with carriages, with no other labour than removing a few logs, poles, etc. And as it will be labour and time lost, to attempt to "Mark out" the Road by any artificial means that The Commissioners can devise and effect, we shall probably no otherwise mark it, than by furnishing a chart of the Route founded upon an accurate examination and Survey, upon which will be noted with great care, all the prominent land Marks already Set up by the hand of Nature, which are numerous, and now serve as admirable guides to the traveler—any artificial hillocks or mounds thrown up, unless of much great magnitude than our limited means will justify, would be destroyed in a very short time, by the immense herds of Buffaloes that are continually passing to and fro over the plains, and what they might be unable to destroy, would assuredly be leveled by the roving bands of Indians, who are always sufficiently inclined to commit wanton Mischief. I have no objection then myself, and I presume the other Commissioners will have none, to proceed with the "examination" as permitted; inasmuch as we can effect every thing under that permission that we could do, if it were as ample as our Government wished and expected—It is certain that if The Commissioners shall determine to proceed as above suggested, that their report of the Road will be such as to make it entirely unnecessary for The Government of The United States ever to take any further order or interest in the matter—I have deemed it proper for me to communicate to you these facts for your information."—

Meanwhile The Commissioners who had returned to Missouri, were officially advised that no arrangement was likely soon to be made between the two Governments for the continuation of the Road through the Mexican Territory, and they consequently determined not to join Mr. Sibley in New Mexico, but wrote him by the Spring caravan on the 19th of May 1826, to urge his immediate return home.—This communication was received by Mr. S. on the 5 day of August, who immediately made such preparations as were necessary for his return, deter-

mining to make a complete Survey and examination of the route from San Fernando in Taus to the boundary line, and connect it with the Survey recently made from Fort Osage to the same point.

Mr. Sibley adopted this course without the least hesitation, because it was authorized by the Mexican Government, would be attended with little or no additional expense, and would in effect enable The Commissioners to complete the whole Road from Missouri to Taus as perfectly as it could be done under any arrangement however formal, that the two Governments might ever enter into on the Subject—He accordingly commenced a Survey at San Fernando on the 24th of August, ran it through the Mexican Territory, and on the 16th of September connected it with the former survey at the line on the Arkansas River.—On the journey from the boundary line to Ft. Osage, Mr. Sibley made some necessary corrections of the first Survey, but had not time or indeed the means to “Mark out the Road” or in fact to complete all the necessary alterations in the Survey of the first 160 miles from Ft. Osage, which as has been already Stated, was passed over at first under circumstances that made a satisfactory Survey of it impossible. Mr. Sibley went out in May last with a Small party to make the last mentioned corrections of the Survey and to “Mark out” by suitable mounds, so much of the Road as extends from the Western boudary of Missouri to the Buffalo Range, beyond which it was deemed entirely useless to incur any expense in setting up Marks—This last object was effected in a very satisfactory manner (notwithstanding the Journey was extremely unpleasant) and was completely finished early in July.—

The Commissioners had the honour on the 10th of January last, to Submit to The President, the opinion (which they still entertain, and beg leave here to repeat) that it is unnecessary for the Government of The United States to do any thing further in relation to that Section of the Road that has been Surveyed through the Mexican Territory. Even if it were practicable to “Mark out” that portion of the Road by permanent artificial “Works,” they would deem it a very useless expense of money and labour, for the reason already given in another part of this report.

In the belief therefore that they have effected all the objects proposed by the Act of Congress under the authority of which they were appointed, The Commissioners report that they have surveyed, located and “marked out a Road from the Western frontier of Missouri to the confines of New Mexico” and from thence to the frontier Settlements of New Mexico.—That they have located the road upon the best practicable route that exists; and that the whole is Sufficiently marked out by natural and artificial conspicuous objects, and by the tracks of the numerous caravans that have passed on it, to prevent in future any, the least difficulty in the commercial intercourse between the

Western parts of the United States and New Mexico, Sonora and Chihuahua; in so far as a direct and most excellent Road from Missouri to the Mexican Settlements is considered useful in promoting that object.

From Fort Osage on the Missouri River (In Latitude $39^{\circ}-10' 19''$ North; and Longitude $93^{\circ}-51'-05''$ west from London) to the Village of San Fernando in the Valley of Taus in New Mexico a few miles eastward of The Rio Grande del Norte, & about 65 miles north 25° East from the City of Santa Fè (In Latitude $36^{\circ}-24'$ North, and Longitude $105^{\circ}-31'$ west from London), the whole distance ascertained by actual measurement upon the courses of the Road as located and established, is $746 \frac{15\frac{3}{4}}{80}$ miles— $425 \frac{78\frac{3}{4}}{80}$ miles of this distance, by way of the Road, lies within the limits of the United States, and $320 \frac{17}{80}$ miles within the Mexican Territory.

The Road in nearly its whole extent, passes over open grassy Prairie; the forest or timbered land over which it runs does not exceed altogether Twenty Miles—Water, fuel and pasturage are sufficiently plentiful, and with but few exceptions are good—Caravans may obtain their chief supplies for Subsistence without difficulty or delay from the numerous herds of Buffaloes that are almost continually passing & repassing over the plains, crossing the route every where along, the greater part of the way—and many years must elapse before this great resource will fail or materially diminish.

Between Fort Osage and San Fernando, there does not exist, on the Road, a Single serious difficulty or obstacle to the passage of Carriages of any description—Even the mountains near Taus, where Scarcely any effort has ever yet been made to form a Road, are crossed without any great difficulty; and whenever the authorities there shall think fit to order it, an excellent Road may be made at a very trifling expense.—Caravans (with or without carriages) may either go direct to the City of Santa Fè, without crossing the mountains at Taus, or they may go down through the Settlements from San Fernando—both routes are, or may very easily be made, perfectly safe and good—And from S. Fè to the City of Mexico, the Road is said to be “nearly equal to a turnpike.” In short, it may safely be assumed, that there are fewer natural obstructions to the passage of loaded carriages (as respects the Road merely) between Fort Osage and the City of Mexico, a distance not much short of 2500 miles, than there are on the established road from Ft. Osage to St. Louis, which is probably not inferior to any (except turnpikes) in the Union, of the same extent, about 260 miles.—

Upon the whole, The Commissioners may congratulate themselves and all concerned, that they have succeeded in Locating and marking out a very direct and permanent highway across the immense desert Plain that intervenes between the Settlements of the Missouri River, and those of the Rio Grande del Norte, which until recently Subdued

by the enterprising Spirit of our Western citizens has been considered an impassable barrier to any direct or profitable commerce.— That barrier is now removed. The Way is open, plain and direct, and a Stream of Commerce is already flowing upon it, which it is believed will grow into some considerable importance; and is certainly entitled to the favourable consideration of the two Governments whose citizens are mutually benefitted by it. Although this is a Subject that does not strictly come within the official duty of the undersigned to mention in this place, they cannot suffer the present occasion to pass without expressing their opinion of its importance—They could not mechanically locate and mark out a Road of such extent, through such a country and for such an object, without feeling some interest in, and forming some estimate of its probable future usefulness, nor can they now omit to suggest what from the view they have been able to take of the whole ground, they consider necessary yet to be done in order to render this Highway between Nations what it evidently should be, not only open, plain and direct, but free in its whole extent from every obstruction.

It has been already stated that no natural obstructions worth notice exist on the road. The only danger to which it is now liable, is from the roving bands of Indians, that sometimes beset small parties of our Traders, and either steal or forcibly take away their Horses, mules & other Property. Such outrages most frequently occur on the journey homeward from New Mexico, and most generally on the Mexican side of The Arkansas, though some of the depredators are known to have their Villages within the Territory of the United States, and receive presents and other favours from the Government. The Indians who are most commonly engaged in these Lawless practices belong to the Nations or Tribes called the Pawnees—Arapahoes—Kiawaws—Comanches—Appaches and Yutahs—The first and probably the second named, are within the Agencies of The United States, the others reside within the jurisdiction of the Mexican Government.— It is not Supposed that the irregularities of these Savages can be Suddenly Suppressed, but it is very confidently believed they may be materially checked, and ultimately entirely prevented by a Seasonable interference of the two Governments—While it may well be apprehended that unless this is done, some of those Tribes may be tempted to form combinations, and establish Something like a system of highway Robbery, that may be extremely difficult to suppress if too long neglected—Individual losses have already been sustained on this road from Indian robberies to a large Amount, to say nothing of the personal suffering consequent upon them.

As there is no position on the whole route, except near the mountains, about 36 miles from the settlements of Taus, suitable for a military Post, having for its object the protection of the Road—No

other fit means of protection can be suggested, than occasional escorts of Troops from the nearest military Posts, and proper admonitions to the Indians.—With the exception of the Pawnees the Tribes that have been mentioned, have but little knowledge of the character of our Government and People; and none of them have any respect for the Mexican authorities—It is presumed however that a very salutary change might easily be effected in the disposition and conduct of those Indians, if the two Governments were to act in concert, and announce in a suitable manner, their determination to protect their commerce on this Road; and occasionally detach light Parties of Regular Soldiers to Scour the country & detect and arrest for punishment all those who should presume to infringe the rights of the Highway.²² A very brief notice of the Country examined by The Commissioners will here suffice—The Fieldnotes and Maps presented by Mr. Brown, the Surveyor of the Road, which accompany and belong to this Report, furnish in detail whatever it is supposed may be at all useful or interesting in relation to the survey and location of the Road, and of the streams, ridges, Hills, Mountains, etc., that it crosses.—

A rapid glance confined as much as possible to the Scope taken in the Surveys and examinations, will be given, in the belief that it may supply some facts not heretofore very generally known.

It has already been observed that the space between the Missouri River, and the Rio Grande del Norte is occupied by an almost unbroken Plain or Prairie. Taken as one great whole, this vast expanse of open naked wilderness presents but little more variety of surface than the face of the Atlantic Ocean—Its features are generally proportioned to its great magnitude, except as to its streams—Numerous rivulets, creeks & small Rivers flow through it, the most of which are marked in their courses by narrow fringes of forest Trees, and thickets of underbrush. Prominent ridges frequently occur, which give direction to the flow of the Stream, and serve to relieve in some degree the dull and tedious monotony of the scene—These elevations are usually poor compared with the interjacent level vallies and bottoms which are in general tolerably fertile—The herbage of this Plain, is in general, rich and luxuriant, consisting chiefly of strong and succulent grasses of many varieties; some of which would doubtless prove valuable additions to the cultivated grasses of The United States.—In the season of flowers, A very large portion of this great Plain presents one continued carpet of soft verdure, enriched by flowers of every tint—These beauties afford pleasure for a time, but the traveler is apt soon to lose the relish for them, as he pursues his tedious way under a

22. For a good discussion of the protection of the Trail see Beers, H. P., "Military Protection of the Santa Fe Trail to 1843," in *NEW MEXICO HISTORICAL REVIEW*, April 1937, 113-133.

cloudless sky, and exposed to the unbroken rays of a burning sun, which, but for the brisk flow of air that usually prevails, would be Scarcely Supportable.

Except the Arkansas, the Road does not cross a single stream that is an hundred feet wide (at or near the crossing), very few of them are half that width, and none of them are deep or difficult to cross—One only it has been found necessary to bridge with Poles and brush-wood.—

The Arkansas flows over its shallow, Sandy bed, through a very broad, level naked Valley, the soil of which is generally extremely fertile, having a slight saline impregnation, which renders the pasturage peculiarly nutritious and inviting to the Buffaloes, of which great numbers successively occupy it in their migratory passage to and from the upper regions of the Missouri—The qualities of this pasturage are found also to agree well with the Horses, mules & other animals, used on the Road, restoring them to health and vigour with surprising rapidity.

The Road strikes the Arkansas (going Westward) Ten miles below the extreme of the north bend, at the mouth of Walnut Creek, in Lat. 38°-21'-10" North—and by the Survey 271 1½/80 miles from Fort Osage, and then pursues the course of the River, and never far from it, about 170 miles to a large Island (In Lat. 37°-53'-18") where it finally leaves it, having crossed about 20 miles below.—

In that distance, and for full 50 miles below the north bend, the character of this River varies but very little indeed—It bears a uniform width of from 400 to 500 yards, a depth of from 18 Inches to 4 feet—Velocity of current 2¼ miles an hour—Its bed, Sand-Banks low and loose—Water turbid, sometimes filthy—channel crowded with Sand banks and Islets—Forest growth, very little, and that little chiefly on the Islets, and is principally of the Species of Poplar called Cotton Wood. Its annual floods occur in June, and frequently inundate much of the adjacent flat land—In its ordinary stages, it may be crossed by carriages without the least difficulty or a moments delay—

At the mouth of Walnut Creek, the Arkansas approaches within 20 miles of the "Smoky Hill Fork" of the Kansas River, and if there is any point upon the Road within the Territory of the Union where a small military establishment might for a short time be maintained, at a great expense, and for some useful purpose, in protecting the Trade, it is here. But The Commissioners cannot recommend it. Whether the "Smoky Hill fork" of the Kansas River is navigable, and to what extent, or how far it is capable of being So, could not be ascertained—Except during its flood, the Arkansas has no navigation within 200 miles of the north bend, or Walnut Creek.

After leaving the Arkansas, there is a striking difference in the general aspect of the country—It is more broken, Sterile, sandy and

dry. Its features are more bold and various, especially after arriving within an Hundred miles of the mountains, where they become more and more grand and interesting. The distance across the mountains is $34 \frac{14}{80}$ miles. Of this, about 10 miles is somewhat rough and precipitous, the rest is level enough; in fact the greater portion of it is open, and rich Prairie—The forest growth on the mountain sides is chiefly Pine of various kinds, but thinly Scattered, and of very inferior size & quality. In the whole distance from the Western boundary of Missouri to the Village of San Fernando in New Mexico, the Road does not pass over any body of Woodland exceeding one mile in depth—there is but one that exceeds 500 yards, and the whole united (in a distance of 715 miles) would not make a forest of three miles in depth—Yet good camping places are to be had at convenient intervals, the whole way; with water, fuel and pasturage, generally good and Sufficient. From The Missouri to the Arkansas, with one or two exceptions only, wood for fuel is abundant at the usual camping places; and the annual deposits of Driftwood furnish ample supplies during the journey up the Arkansas—After leaving that river there is in some places a deficiency of wood; but wherever this occurs upon the whole journey, the ordure of the Buffalo is found in great abundance, which is a very excellent substitute for wood as fuel.

Whilst in New Mexico Mr. Sibley was able to ascertain Satisfactorily some facts, which as they concern the utility of this Road, may be mentioned here without impropriety—First, the Stream that issues from the mountains north of Santa Fè commonly called the “Río Colorado” and which has been heretofore laid down on the maps as a principal head branch of the Red River of Natchitoches, is now well ascertained to be the main branch of The Canadian, that runs into the Arkansas about forty miles below Fort Gibson. The Canadian is navigable only a short distance above its mouth; the whole River being frequently lost for miles together in the deep Sands.—

Second, The Red River of Natchitoches has none of its sources in the great Range of the shining mountains as has been supposed, nor is there any branch of that River that is navigable, even for canoes within Three Hundred miles of Santa Fè, or any of the Settlements of New Mexico. Third, The Rio Grande Del Norte does not, and will not probably for ages to come, afford any safe or certain navigation, exceeding an hundred miles at most, upward from its mouth—In its whole course from the mountains near Taus, to its entrance into the Gulf of Mexico, its channel is more or less choked with Rocks, Ripples, sand banks, etc. Its tributaries are few and insignificant, and this “Great River of the North,” as it is called, even if cleared of the innumerable obstructions in its channel, would only rate among the third or fourth class of Rivers in the United States.—

In fine, it may be safely assumed that the nearest approaches that can be made to Santa Fe, or the other settlements of New Mexico by water, for the purpose of commerce, are by the Missouri and Kansas Rivers, and the Gulf of California at Guaymas.—When the highway now opened from Missouri to Santa Fe shall be cleared of the Pirates of the Plain, there is good reason to believe that the Trade between the two countries in that direction will assume a character and employ an amount of Capital, not only greatly advantageous to those immediately engaged in it, but beneficial in no trifling degree, to some of the manufacturing interests of the United States.

With very great respect, We have the honour Sir to be y. obt. svts.

BEN H. REEVES

G. C. SIBLEY

THOMAS MATHER²³

St. Charles, Missouri
October 27th 1827.

It may be proper to state, that the Longitude given in the preceding Report, have been from necessity, deduced from the results of the Survey westward from Fort Osage, which place is assumed to be in $93^{\circ}-51'-5''$, upon the presumption that the Ranges of the Public Lands are correctly Surveyed between that point and the mouth of The Ohio River, where it is believed Mr. Ellicott fixed the Longitude accurately—This method of ascertaining Longitude, must obviously be attended with Some uncertainty as to the result—Great pains were taken however, to test the accuracy of the Survey and measurements, by Lunar observations; but as these were taken by one observer only, with a single sextant & by common time, there is no reason to suppose that the Longitude has been accurately found in a single instance, tho' it is probable they are all nearly correct.

As to the Latitudes, of which a great many parallels were taken at remarkable points along the Survey, and elsewhere, they are all believed to be critically true, and may be relied on, having been taken with very great care, in the best manner, and with the best instruments.

The following Table exhibits some of the Latitudes and Longitudes ascertained at points on the Road from the Missouri to Santa Fe in New Mexico.

23. The commissioners spent \$1,497.54 more than congress appropriated for the survey. The Treasury refused to pay this claim and it was not until 1836, after a special act of congress allowing the sum, that the account of the commissioners was closed. General Accounting Office, Miscellaneous 25881.

Name of Place	Latitude			Longitude			Dist. from Place to Place	Whole Distance
	Deg.	Min.	Sec.	Deg.	Min.	Sec.		
Fort Osage on the Missouri River	39	10	19	93	51	05		
West boundary of Missouri	38	54	28	94	17	22	31	31
Council Grove—Nee Osho R.	38	40	00	96	12	22	109	140
Diamond of the Plains (a fountain)							17	157
Walnut Co. (No. bend Ark R.)	38	21	10				114	271
Mulberry Co. (So. bend Ark R.)	37	38	52	99	about		83	354
U. S. & Mexican Boundary Line	37	47	37	100	00	00	32	386
Chouteau's Island, Ark R.	37	53	18				59	445
Lower Semaron Spring	37	24	00				32	477
Upper Semaron Spring	36	51	40				73	550
Rabbits Ears (a detached Mountain)	36	33	00				45	595
Rock Point (or Mound No. 6)	36	25	42				47	642
Foot of great Mountain Range	36	10	20				69	711
San Fernando Vill. in Taus	36	24	00	105	31	00	35	746
Santa Fè City	35	41	00	106	10	00	65	812

THE AMERICAN OCCUPATION OF NEW MEXICO 1821-1852

By SISTER MARY LOYOLA

CHAPTER VI

THE ESTABLISHMENT OF CIVIL GOVERNMENT

IN NEW MEXICO, as in the other districts acquired by the terms of the Treaty of Guadalupe Hidalgo, the question of government was of vital importance. General Kearny had established a full territorial organization, appointing civil officers and a complete system of courts, and had assumed that thenceforth the inhabitants of the country were citizens of the United States.

Official Disapproval of the Kearny Code. On receipt of a copy of the laws known as the Kearny Code, the secretary of war, Marcy, instructed by the president, wrote to Kearny, January 11, 1847. He mildly rebuked him for his action, remarking that the political rights conferred upon the people could be acquired only by the action of congress and that, in so far as the code of laws attempted to confer these rights, it was not approved by the president and was not to be carried into effect. Kearny was upheld in so far as he had set up a civil government in the conquered land, for it was recognized that this was necessary for the preservation of good order.¹

When, in 1846, the house of representatives asked information from the president regarding the establishment of civil government in territory belonging to Mexico, Polk replied in December, that while the establishment of territorial government by Kearny was not approved or recognized by him, yet there could be no doubt that any excessive exercise of civil power by the officers in the conquered provinces was not due to arrogance but rather the result of an effort to

1. Sec. of War Marcy, to Brig. Gen. S. W. Kearny, January 11, 1847. *Ho. Ex. Doc. 60*, 30 Cong., 1 Sess., p. 179.

spread the blessings of peace with the least possible delay.² One cannot fail to perceive that the attacks in congress before and after the reception of the message were inspired by political opposition rather than by any consuming interest in the legality of the point at issue. They brought out, however, interesting views on the status of inhabitants of conquered territories and the authority of the United States government therein.³ Notwithstanding the refusal of those in authority to ratify fully the acts of Kearny, the civil government as set up by him continued to perform its functions, but its effectiveness cannot be decided upon since practically nothing is recorded of its actual operations in 1846-1847. This may raise the question whether or not there was anything to record.⁴

Military Rule in New Mexico. After the revolt of 1846-7, the power of the civil authorities was almost completely subordinated to that of the military. This was, beyond doubt, in consonance with the orders to Kearny, but was resented by the people who had assumed that the civil code set up by Kearny had been fully approved by the president.⁵

That this supremacy of the military power was in full accord with the will of the administration was strikingly evidenced soon after it was enforced. On the death of Governor Bent in January 1847, Secretary Vigil became acting governor. In his report to the president he emphatically

2. *Appendix, Cong. Globe*, 30 Cong., 1 Sess., p. 934.

3. *Cong. Globe*, 30 Cong., 2 Sess., In a case growing out of the Mexican War, Chief Justice Taney, two years later, delivered a statement which ably sums up judicial decision in this question. "The relation in which the conquered territory stood to the United States while it was occupied by their arms did not depend on the laws of nations but upon our own constitution and acts of Congress . . . The inhabitants were still foreigners and enemies, and owed to the United States nothing more than the submission and obedience, sometimes called temporary allegiance, which is due from a conquered enemy when he surrenders to a force which he is unable to resist. (Fleming vs. Page, 9 How., 615 *et seq.*, as cited in D. Y. Thomas, *A History of Military Government in Newly Acquired Territory of the United States*, 112.)

4. Bancroft, *Arizona and New Mexico*, 428.

5. Twitchell, R. E., *The Military Occupation of the Territory of New Mexico*, 147. Read states that this assumption of power by Colonel Price caused the people to be divided into two factions, the one supporting, the other opposing the military rule. (*History of New Mexico*, 453.)

stated that necessity alone had induced him to take upon himself the duties and responsibilities of the position since he felt that his own office was too arduous for him to endeavor to do anything more. He requested the president to replace him as soon as possible and suggested for the office Ceran St. Vrain "a native of Missouri, though an occasional resident of this territory for many years back." He gave assurance that this appointment would meet with the unanimous approval of the people.⁶

Marcy, secretary of war, writing to Price the following June (1847) replied that the filling of the office of governor was the function of the senior military officer to whom the civil officer was subordinate and therefore it rested with him to appoint someone to this position, should Vigil still wish to retire.⁷ Vigil, who was then appointed governor by General Price in December, continued to hold office nominally until October 1848.⁸

The Convention of 1847. Meanwhile, in accordance with the provisions of the Kearny Code, the first legislature of New Mexico had been elected and had held a regular session beginning on December 6, 1847.⁹ This was organized by the election of Don Antonio Sandoval as speaker of the legislative council and Captain W. Z. Angney the speaker of the house of representatives. Among the ten acts passed were two of special interest as indicating the desires of the people. One provided for the establishment of a university with the funds for its support; the other called for a convention of delegates to meet in the city of Santa Fé in February 1848. Governor Vigil and General Price both gave their approval to the acts.¹⁰

Notwithstanding this show of civil power, the syn-

6. *Ho. Ex. Doc.*, 70, 30 Cong., 1 Sess., pp. 19-20.

7. *Ibid.*, p. 32.

8. Bancroft, *op. cit.*, 442.

9. Prince, L. B., *New Mexico's Struggle for Statehood*, 7.

10. Pamphlet of Laws. Session 1847 in library of F. Springer, Las Vegas, New Mexico, as cited in R. E. Twitchell, *The Military Occupation of New Mexico*, 151. *Legislative Manual*, 180-181.

chronous acts of Price reveal the eminently military character of the government. Having been convinced that a territorial secretary, a United States district attorney, and a United States marshal were unnecessary, he abolished these offices by special order. He also decreed that a six per cent ad valorem duty should be levied on all merchandise introduced into the Territory. The territorial treasurer was named collector of customs on such imports, and sub-collectorships were established at Taos, San Miguel and Valencia. Under a license of \$2,000 a year, licensed gambling houses were established.¹¹

These laws were in consonance with the order issued in March 1847 by President Polk, whereby military and naval commanders were instructed "to levy and collect a military contribution upon all vessels and merchandise which might enter any of the ports of Mexico in our military occupation, and to apply such contributions towards defraying the expenses of the war." Justification for this law was found in the fact that previous to the war, the revenue derived from import duties went into the Mexican treasury, and that it was within the competence of the United States to close the ports or regulate the tariff. She chose the latter course.¹²

It was easier to make such laws than to enforce them. Indignation meetings were held for the purpose of protesting against providing in this way for revenue for the payment of the expenses of the government. The argument was put forth that in imposing this duty undue discrimination was being exerted against one section of the country. Complaints reached Washington, and, in October, the federal government ordered a refund of all duties collected on goods brought into the Territory from the United States subsequent to the thirtieth of May.¹³

11. Orders No. 10, General Price, War. Rec. Wash. D. C., Reports of General Sterling Price as cited in R. E. Twitchell, *The Military Occupation of New Mexico*, 151.

12. *Cong. Globe*, 30 Cong., 1 Sess., 339.

13. Twitchell, R. E., *Leading Facts of New Mexican History II*, 268; *Cong. Globe*, 30 Cong., 1 Sess., 1847, pp. 284-339.

Doubtless this method of raising money seemed to Price the only solution of a pressing difficulty. Officers had been appointed, according to the provisions of the Kearny Code, and there was no appropriation made for the payment of their salaries. These salaries were for the most part unpaid when New Mexico was finally made a territory.¹⁴

By the ratification of the treaty with Mexico, all the people of New Mexico were constituted citizens of the United States except those who formally preferred to retain their Mexican citizenship. The manifestation of such desire was to be made within one year.¹⁵

Desire of Polk to Have Territorial Government Established. In transmitting the treaty to congress, President Polk suggested that immediate attention be given to the organization of the newly acquired provinces:

The immediate establishment of territorial government and the extension of our laws over these valuable possessions are deemed to be not only important, but indispensable to preserve order, and the due administration of justice within their limits, to afford protection to the inhabitants, and to facilitate the development of the vast resources and wealth which their acquisition has added to our country.¹⁶

14. Twitchell, R. E., *Leading Facts of New Mexican History* II, 268. On May 3, 1852, the secretary of war in answer to a resolution of the senate calling for information in relation to civil officers employed in the territory of New Mexico while under military government reported \$31,562.37 due on March 31, 1851. Governor Calhoun wrote, "I cannot too strongly urge the government of the United States to provide for the immediate payment of these claims, not only because justice to the claimants named demands it, but for the additional reason that \$12,698.64 is due to the territorial treasury . . . and there is not one dollar in the territorial treasury and the collection of taxes is resisted with no prospect of an early adjustment of the question involved." (*Sen. Ex. Doc. 71*, 32 Cong., 1 Sess., pp. 1-3.)

15. Treaty of Guadalupe-Hidalgo Act VIII and IX. *Ho. Ex. Doc. 69*, 30 Cong. 1 Sess., pp. 17-18. According to correspondence between Secretary Vigil and Don Ramón Ortiz, who went from Mexico to New Mexico for the purpose of assisting those who wished to take advantage of the opportunity to return to Mexico and thus retain their Mexican citizenship, there were many who desired to emigrate. Vigil opposed the movement and Ortiz was constrained to return to Mexico. (Pino, *Noticias Históricas y Estadísticas*, (Escudero ed. 1849) 92-98.)

16. *Mess. of Pres. J. K. Polk*, July 6, 1848. *Ho. Ex. Doc. 69*, 30 Cong., 1 Sess.

The Polk administration had been steadily declining in popularity. Each clause of the message gave material for violent partisan debate. The result was that no measures of organization were framed during the session.¹⁷

The properly qualified body had failed to legislate in the matter, and as late as August 1848, the war department had apparently issued no orders defining the status of affairs in New Mexico.¹⁸

Suggestion of Senator Benton to New Mexico. Senator Thomas H. Benton of Missouri had taken it upon himself to represent the interests of New Mexico in congress. In September, 1848, he wrote to the people of California and New Mexico giving them his advice as to the wisest course for them to pursue until they were fully admitted to citizenship. He advised them to meet in convention and provide a government for themselves since it was not probable that congress would legislate for them for some time.¹⁹

Polk thought that Benton was thus secretly planning to make his son-in-law, Frémont, governor of California. The cabinet agreed with Polk in the wisdom of sending a message to the people, warning them that such action would not be legal and that it would be to their best interests to continue in obedience to the *de facto* temporary government.²⁰

Convention of 1848. Address to Congress. Nevertheless the suggestion of Senator Benton was acted upon. Under the proclamation of Governor Vigil a convention was assembled, October 11, 1848, with Antonio José Martinez as president. The most significant accomplishment was the formulation of a petition to congress. Because of the importance attached in Washington to a number of the clauses, it seems necessary to cite it in full:

17. See *App. Cong. Globe*, 30 Cong., 1 Sess., p. 880 *et seq.*

18. Thomas, D. Y., *A History of Military Government in Newly Acquired Territory of the United States*, 130.

19. Niles, 74, pp. 244-5.

20. Polk, *Diary*, Sept. 30, Oct. 3, 1848.

We the people of New Mexico respectfully petition Congress for the speedy organization, by law, of a territorial government for us.

We respectfully petition Congress to grant us a government purely civil in its character.

We respectfully represent that the organic and statute laws promulgated by the authority of the United States, September 22, 1846, for the temporary civil government of New Mexico (a copy of which is dispatched) with some few alterations would be acceptable to us.

We desire the following offices to be filled by appointment of the President of the United States, by and with the advice and consent of the Senate: the Governor, Secretary of State, United States Marshal, United States District Attorney, and Judges.

We desire to have all the usual rights of appeal from the courts of this Territory to the Supreme Court of the United States.

We respectfully but firmly protest against the dismemberment of our territory in favor of Texas or for any cause.

We do not desire to have domestic slavery within our borders; and until the time shall arrive for our admission into the Union as a State, we desire to be protected by Congress against their introduction among us.

We desire a local Legislature, such as is prescribed in the Laws of New Mexico, September 22, 1846, subject to the usual acts of Congress.

We desire that our interests may be represented by a delegate, who is to be entitled to have a seat upon the floor of the Congress of the United States.

In consideration of the fact that New Mexico contains from seventy-five thousand to one hundred thousand souls, we believe that we have made no unreasonable request, and we confidently rely upon Congress to provide for us laws as liberal as any enjoyed by any of the Territories.²¹

21. *Cong. Globe*, 30 Cong., 2 Sess., p. 33. For signatures see Ritch, W. G., *Legislative Blue Book of the Territory of New Mexico*, 100.

Opposition in Congress. Copies of the petition were forwarded to Senators Benton of Missouri and Clayton of Delaware. The former presented it in the senate on December 13, 1848. It was as a spark cast into a highly inflammable mass. The fires of sectional strife that had been smouldering ever since the day that the president had asked for an appropriation of \$2,000,000 for the prosecution of the war, and the Wilmot Proviso was suggested, burst forth in seemingly unquenchable vigor. This appeared to be a direct challenge to the southern interests.

Mr. Calhoun of South Carolina denounced the petition as not only not respectful but "most insolent." In it he saw an unmistakable attempt to limit the power of the south; an attack by the conquered on the very people who had conquered them. He argued that the new territory belonged to the southern states as well as to the northern since the common treasury and southern lives had been given for the cause.

The claim of Texas to land west of the Rio Grande still further complicated matters. Mr. Rush of Texas protested against the attempt to establish a distinct government in what was unquestionably a part of Texas, although he advocated the organization of the remainder.²²

After continued discussion in regard to the impertinence and disrespect of the petition, it was finally objected by one of the senators, Mr. Foote, that there was no proof that any convention had actually been held and that the petition purporting to come from the people of New Mexico, was, in reality, the work of only a negligible faction. He asserted that such an important event would, without doubt, have found a prominent place in the newspapers and their silence about the matter cast grave doubt upon it. Thus did the slave interests endeavor to prevent the impression gaining ground that New Mexico itself was opposed to slavery.

Finally the question was referred to a committee on

22. *Cong. Globe.*, 30 Cong., 2 Sess., p. 33. The question of the Texas boundary will be treated more fully in the following chapter.

territories and nothing further was done in that session of congress.²³

Convention of 1849. The lack of regularly organized government was keenly felt in New Mexico. In September 1849, Lieutenant Colonel Beall, acting as governor during the absence of Colonel Washington who had succeeded Price, issued a proclamation calling for the election of delegates to another convention to consider a plan for civil government. The convention elected Hugh N. Smith as a delegate to congress. In the resolutions drawn up on this occasion no protest was made against slavery or Texan encroachments. The delegate was instructed to use his endeavors to obtain a territorial rather than a state form of government taking as a model for the former the act constituting Minnesota a territory, but if he saw that only a state government could be obtained he should use the constitution of Missouri as a type.²⁴ In case a state government were insisted upon by the United States, the appointed delegate was instructed, among other things, that since the public lands were comparatively worthless and the grant of 500,000 acres was impracticable, to insist on an equivalent in money or that the United States pay annually \$30,000 for ten years for the purpose of sustaining the government. He was also to stipulate that \$100,000 be donated in lieu of the public buildings which congress would have been obliged to erect if a territorial government had been established. The interest in the advancement of learning is indicated by the provision that liberal grants be made for the establishment of colleges and common schools and for suitable institutions for the development of the arts and sciences.²⁵

The difficulties under which the people were suffering were set forth in no ambiguous language. In the memorial to congress we read :

23. *Cong. Globe.*, 30 Cong., 2 Sess., p. 35-37 (Dec. 19, 1848). The question of the organization of New Mexico was intimately bound up with that of Oregon and California but it is impossible to develop these interesting topics here.

24. *Ho. Mis., Doc. 39*, 31 Cong., 1 Sess., 1-11.

25. *Ibid.*

. . . Whereas for the last three years, we have suffered under the paralyzing effects of a government undefined and doubtful in its character; inefficient to protect the rights of the people, or to discharge the high and absolute duty of every government, the enforcement and regular administration of its own laws, in consequence of which industry and enterprise are paralyzed and discontent and confusion prevail throughout the land; the want of proper protection against the various barbarous tribes of Indians that surround us on every side, has prevented the extension of settlements upon our valuable public domain and rendered utterly futile every attempt to explore or develop the great resources of the territory . . . we have neither the means nor any adopted plan by government for the education of the rising generation; in fine with a government temporary, doubtful, uncertain and inefficient in character and in operation, surrounded and despoiled by barbarous foes, ruin appears inevitable before us, unless speedy and effectual protection be extended to us by the Congress of the United States.²⁶

Governor Washington did not officially recognize the acts of this convention. Nevertheless, Smith started for Washington, but by a vote of 92 to 86 the house, after a long discussion, refused to admit him as a delegate.²⁷

The committee on elections reported that although New Mexico while a part of Mexico possessed a complete political organization, it could not be claimed that this organization continued after the cession of the territory to the United States. Though it was doubtless true that New Mexico was suffering difficulties and embarrassment because of the lack of civil government, this could not be taken into consideration in deciding on the admission of the delegate. The admission of Mr. Smith could not ameliorate these difficulties and all precedent was against such a step. In every case in which a delegate from a territory was admitted to

26. *Ibid.* Quoted in Clay's speech in senate, Feb. 5, 1850. *App. Cong. Globe*, 31 Cong., 1 Sess., 119.

27. *House Report No. 22*, 31 Cong., 1 Sess., v. II.

the congress of the United States he had been elected according to laws enacted by congress and from a government subordinate to and emanating from the constitution and laws of the United States. As a government, New Mexico was unknown to the laws of the United States. The admission of the delegate would be a *quasi* recognition of New Mexico as an organized government. A decisive element in the matter was the claim of Texas to the eastern bank of the Rio Grande. The admission of a delegate from a region thus under the claim of a region already represented would be too anomalous to need any further discussion. The minority report makes clear that the Texan claim was uppermost in the thoughts of the members of the committee which decided against the delegate from New Mexico.²⁸

Both in the house and in the senate the controversy over the new territory, particularly in reference to the introduction of slavery, continued with ever increasing bitterness and the solution of the difficulties seemed farther away each day.

Attempt to form a State Government. President Taylor encouraged the application for admission into the Union as a state,²⁹ and even before Smith had failed to secure for New Mexico the status of territory an attempt was made in New Mexico for the formation of state government. This was mainly due to the efforts of James S. Calhoun who, in 1849, was sent to New Mexico as Indian agent. It became known that he had semi-official instructions to favor the organization of state government. The resulting agitation at first bore little fruit, but the following summer the people became definitely divided into a state and a territorial party. Each issued its manifestos and for a time party strife ran high.

In the early part of 1850 Colonel McCall joined his regiment in New Mexico. He made it clear to the people that congress would not grant a territorial government and

28. *Ho. Rep. 220, 31 Cong., 1 Sess., II, passim.*

29. Richardson, *Messages and Papers of the Presidents*, V, p. 27.

that President Taylor was determined that New Mexico should be erected into a state in order definitely to settle the question of slavery therein and that of the boundary of Texas.³⁰ This news, together with a threatened attack from without, put an end to internal dissension. A commission arrived from Texas claiming jurisdiction over eastern New Mexico.³¹ The parties forgot their differences and united to organize as a state. Colonel Monroe, then military governor, in response to a formal request of the people, on April 23, 1850, issued a call for the election of delegates to a convention to be summoned for the purpose and to urge upon congress her admission to the Union.³²

The convention, ninety per cent of whose members were Mexicans, met at Santa Fé on the fifteenth of May. After a session of ten days a constitution was formulated. The boundaries of New Mexico, embracing the disputed area, were definitely stated.³³ Slavery was prohibited and freedom of religion, speech, and of the press guaranteed. Trial by jury was ordered except in civil cases involving less than fifty dollars in which case the legislature was authorized to provide for summary trial. Annual meeting of the legislature was ordered, the representatives holding office for two years, the senators for four. The state was divided into three judicial districts. The counties of Bernalillo and Valencia were to compose the southern circuit; the counties of Santa Ana, Santa Fé, and San Miguel, the central circuit; and the counties of Taos and Rio Arriba the northern circuit. This was to be effective only until the first census was taken after which the state was to be divided into four judicial districts. The laws were to be revised every five years.

The first session of the first legislature was to be held at the recognized capital, Santa Fé, on the first day of July, 1850.

30. Davis, *El Gringo*, 111-2; Bancroft, *op. cit.*, 446. Prince, *The Struggle for Statehood*, 17-18.

31. Bancroft, *op. cit.*, 454-5; Read, *Illustrated History of New Mexico*, 456.

32. *Sen. Ex. Doc. 60*, 31 Cong., 1 Sess., p. 1-3.

33. *Sen. Ex. Doc. 74*, 31 Cong., 1 Sess. V. XIX.

Education was again provided for in the article:

The Legislature shall at as early a day as practicable, establish free schools throughout the State, and shall furnish means for their support by taxation; and it shall be the duty of the legislature to set apart not less than one-twelfth of the annual revenue of the State derived from taxation as a perpetual fund, which fund shall be appropriated to the support of free public schools; and no law shall be made diverting said fund to any other use.³⁴

By order of the military governor, the instrument was submitted to the people for ratification and a vote cast for governor, lieutenant governor, representative to congress, and for senators and representatives to a state legislature. It was explicitly stated that those so elected were to hold office only on condition that the constitution receive the approval of the people and the state be admitted into the Union. Previous to admission only such acts were to be considered valid as were necessary for the preparation of the constitution in final form and its presentation to congress. The form of government then in existence was declared to be the only legal one until such time as congress organized some other form.³⁵

The constitution was adopted with practically unanimous consent.³⁶ Henry Connelly, a prominent trader on the Santa Fé trail, and Manuel Alvarez, for many years United States consul at Santa Fé, were elected to the offices of governor and lieutenant-governor respectively, and Wm. S. Messervy was chosen as representative to congress.³⁷

Little attention was paid to Governor Munroe's limiting provisions. The legislature, meeting in the early part of July, continued in session over a week. Francis A. Cunningham and Richard H. Weightman were elected United States senators, and general legislation was enacted. It was evi-

34. *Sen. Ex. Doc. 74*, 31 Cong., 1 Sess., Vol. XIV.

35. *Sen. Ex. Doc. 1*, 31 Cong., 2 Sess., 91-94.

36. 6,771 votes for and 39 votes against. *Sen. Ex. Doc. 74*, 31 Cong., 1 Sess., 2.

37. *Sen. Ex. Doc. 26*, 31 Cong., 2 Sess., p. 10; Ritch, *Legislative Blue Book*, 100.

dent that the state would consider itself organized without waiting for any action from congress.

Munroe found himself in a difficult position. He protested against the proceedings as extra-legal. This led to a controversy between him and the acting governor Alvarez. The latter held that the military governor had no authority in this matter since his civil power surely could not be greater than that of the president "and that the President had never pretended to have the power to make a government for New Mexico or insist on the old one; that the President's instructions, and all others from Washington, simply advised temporary submission to the old government as existing by presumed consent of the people. That consent had been withdrawn and a new government organized, which must be recognized until Congress should refuse to sanction it."³⁸ For a time it seemed that there would be an armed conflict between the two factions but by mutual compromises this was avoided.

The Compromise of 1850; New Mexico a Territory of the United States. While New Mexico was thus endeavoring to solve her difficulties, the halls of congress were resounding with the greatest speeches in the annals of our history. It was universally felt that the new western territories could no longer be left in their unorganized condition, yet, every mention of the question brought forth violent debate from the two opposing sections. Slavery had without a doubt become a paramount issue. The prophetic words of J. E. Brady of Pennsylvania as early as 1848 had been verified. "Before this war we were divided as parties, it is true, but that division was a division of opinion upon questions of policy affecting each and every part of this confederacy. Now sir, I fear we shall ere long be divided into northern and southern parties, the consequences of which no man can foresee."³⁹

38. *Sen. Ex. Dos. 1*, pt. II, 31 Cong., 2 Sess., pp. 96-106.

39. Speech of J. E. Brady in the house, June 27, 1848. *Cong. Globe App.* 30 Cong., 1 Sess., p. 790.

One plan after another had been suggested by means of which it was hoped that the threatened severing of the nation might be averted. As early as 1848 Polk had proposed, among other plans, the extension of the Missouri Compromise line to the Pacific.⁴⁰ This met with little or no consideration and was dropped. Others endeavored to show that the question of slavery was beside the point; that nature herself together with long established custom had made the institution impossible in the new territories. In impassioned language Clay cried out, "What do you want? you who reside in the free states. . . . You have got more than a thousand Wilmot provisos. You have nature upon your side—facts upon your side and this truth staring you in the face, that there is no slavery in those territories."⁴¹ Webster took the same stand and asserted that he "would not be at pains to reaffirm an ordinance of nature or reenact the will of God."

The great debate in which figured the famous orators, Webster, Clay, Calhoun, Seward, and others of lesser note, belongs properly to the history of the United States as a whole and can only be referred to here.⁴² Although Clay's Compromise Bill of 1850 was apparently defeated, it was actually accepted in all its main provisions. A compromise, it but postponed a definite settlement of the difficulties which ultimately led to such dire results. But, for the time, strife seemed to be quelled. One section of the Compromise provided for the organization of territorial governments in the new provinces with no regulation in regard to slavery. The question was to be settled by each for itself.

The Act which established territorial government in New Mexico is entitled "An act proposing to the State of Texas the Establishment of her Northern and Western boundaries, the Relinquishment by the said State of all ter-

40. Speech of President Polk, 1848. Richardson, *Messages and Papers*.

41. Speech of Clay in senate, Feb. 5, 1850. *App. Cong. Globe*, 31 Cong., 1 Sess., pp. 118-119.

42. See *Cong. Globe*, 31 Cong., 1 Sess., *part I and Appendix, passim*.

ritory claimed by her exterior to said boundaries, and of all of her claims upon the United States, and to establish a Territorial Government of New Mexico.”⁴³

While even the title seems to subordinate New Mexican to Texas problems, the Act fully provided for the setting up of a complete territorial government. There was scarcely a provision which would differentiate this Act from those of a similar nature. It was proclaimed in force on December 13, 1850, by President Fillmore.

Thus was the career of the new state of New Mexico summarily ended. William S. Messervy was admitted to congress as a delegate from the territory instead of a representative of the state; the two senators elect found themselves bearing titles without office. James S. Calhoun was appointed first governor of the territory and the machinery of territorial government was put into operation in March 1851.⁴⁴ The years of uncertainty were over. New Mexican interests were those of the United States.

43. Territory of New Mexico, *Legislative Manual*, 34.

44. Prince, *New Mexico's Struggle for Statehood*, 22.

CHAPTER VII

THE DETERMINATION OF BOUNDARIES

INSEPARABLY connected with the question of the organization of the government of the newly acquired district of New Mexico was the problem of determining the real limits of the region. While self-interest on the part of various factions, notably the Texans, the Mormons, and those determined on either the extension or the destruction of the slave power of the south, cast apparent or real doubt on the true boundaries, there was in reality foundation for the uncertainty. For a proper understanding of the situation it is necessary to review, in at least a cursory manner, the history of the gradual delimitation of New Mexico.

Boundaries during the Spanish Period. As Spain thrust her exploratory or colonizing enterprises farther and farther north, one of her chief motives was to insure control of one more section of the vast expanse of the Americas which she claimed as her own dominion. As new provinces were formed it was but natural that the northern boundaries should be designated in very vague terms. "The many barbarous nations or the gentile Indians generally formed this limit."¹ The authorities of New Spain drew up in a general way the limits on the south, west, and east since the contiguous provinces were necessarily differentiated; but time alone would determine the northern extent. When it became evident that a territory was too extensive for efficient control from one centre, districts were cut off and new nuclei formed. Thus Nueva Vizcaya was contracted by the formation of the province of New Mexico. The only boundary which required specific determination was the southern. As the southernmost garrison of New Mexico, the royal presidio of the Pass (El Paso), was upon the Rio Grande del Norte,

1. Cox, I. J., "The Southwest Boundary of Texas," in *Tex. Hist. Assoc. Quart.*, VI, 84.

this river naturally constituted the dividing line between the two sections.²

On the east, New Mexico extended to the boundary of Florida, wherever that might be; on the west to the "South Sea" or Pacific Ocean; and no one knew how far north. The establishment of Louisiana and later of California reduced it to within commensurate bounds on the east and west, but even at the time of the Louisiana Purchase, 1803, there was still ground for disagreement in regard to its actual extent.³

When, in 1811, an order issued in 1804 by the king of Spain was repeated, the "Provincias Internas," of which New Mexico formed a part, were divided into two groups. In order to prevent uncertainty regarding the extent of the constituents of the eastern group, Joaquin de Arredondo, the commandante-general, obtained permission from the viceroy to have official maps constructed of each of the four sections. One of the lines so drawn is of interest in view of later developments. The southwestern and western boundary of Texas was a "zigzag line beginning at the mouth of the Nueces and ending at a point on Red River a little east of the one hundredth meridian of longitude west from Greenwich."⁴

By the Treaty of 1819 between the United States and Spain the northern boundary of the Spanish possessions was definitely established. New Mexico could no longer claim any territory north of 42° north latitude.⁵

New Mexico under Mexico. During the early years of the Mexican regime New Mexico was still one of the Internal Provinces. In January 1824, it was joined to the provinces of Chihuahua and Durango to form the *Estado Interno del Norte*. The location of the capital at Chihuahua

2. Cox, I. J., "The Southwest Boundary of Texas," in *Tex. Hist. Assoc. Quart.* VI, 84.

3. A Summary of the evolution of the boundaries of the Spanish provinces is given in Prince, *A Concise History of New Mexico*, 14-17.

4. Garrison, G. P., *Westward Extension*, 103-10.

5. Fulmore, Z. T., "History of Texas Geography" in *Tex. Hist. Assoc. Quart.* I, 17; Mallory, *Treaties and Conventions* II, 1652.

was so opposed by Durango that the two southern provinces were made states and New Mexico became a territory of the Republic. The El Paso district was now joined to Chihuahua; but still no eastern or western bounds were assigned to New Mexico.⁶ On the northwest and west the boundary claimed, though not specifically stated, was made by the Colorado River beyond which lay Upper California.⁷

No further changes of any consequence were made previous to the conquest by Kearny; but a number of episodes during the interval had served to crystallize the sentiment of the New Mexicans in regard to the extent of their territory particularly on the east. Here they found that their claims conflicted with those of the young, energetic republic of Texas whose leaders, with true frontier instinct, were loath to have their ambition for westward extension thwarted by a daughter of her whose authority they had repudiated.

Texan Claims. At the first Texas congress an act was passed, December 19, 1836, defining the boundaries of the nation as "Beginning at the mouth of the Sabine River and running west along the Gulf of Mexico three leagues from land, to the mouth of the Rio Grande, thence up the principal stream of said river to its source, thence due north to the forty-second degree of north latitude, thence along the boundary line as defined in the treaty between the United States and Spain to the beginning."⁸

Thus was laid the foundation of the dispute between Texas and New Mexico which eventually involved the members of the congress of the United States in a prolonged, bitter quarrel. For such claims Texas relied, if on anything, on the repudiated treaty which Santa Anna had signed when a prisoner. Texas had never exercised any shadow of juris-

6. Bancroft, *Arizona and New Mexico*, 310-11.

7. *Legisl. Journals, Mss. for years 1822-46*, 5 v. in Santa Fé Fed. Land Office as cited by Bloom, "New Mexico under Mexican Administration 1821-46," in *Old Santa Fe* I, 13.

8. *Laws of the Republic of Texas*. 1 Cong., 1 Sess., 133-4 as cited by Binkley, *Texan Efforts to Establish Jurisdiction in New Mexico 1836-1850*, 98.

diction of the territory of New Mexico included in this claim.⁹ It was in fact, no more than a claim to be made good by force. As we shall see, she failed decidedly in repeated attempts of such a character.¹⁰

And yet, when one reads of the desires and even hopes of some of the influential Texans of the times such claims sound modest indeed. Wharton, the commissioner of Texas, in Washington, sent primarily for the purpose of procuring the recognition and annexation of Texas by the United States, reported to his government some time in 1837 that President Jackson had suggested to him that Texas must claim the Californias in order to win over the North and East to the cause of annexation since thereby their fishing interests would be advanced.¹¹

The successor of Wharton, Memucan Hunt, became convinced that the officials of the United States desired to extend their boundaries to the Pacific, and he was determined to prevent any agreement which could be interpreted later as implying a relinquishment of this claim on the part of Texas. Writing to his government he stated: "As a separate Power, the splendid harbours on the South Sea, or Pacific Ocean, will be indispensable to us, and apart from the great increase in territory by an extension of the line, the possession of the harbour of St. Francisco alone is amply sufficient, for any increased difficulties or expense, should there be any in regard to a claim of territory to the Pacific, in a final treaty of Peace with Mexico."¹²

Later, when a real effort was inaugurated by Texas for the establishment of peace with Mexico, the commissioner, Dunlap, wrote a private note to President Lamar, May 16, 1839, to ask instructions regarding the propriety of offering a money compensation for the purchase of the land between the Nueces and Rio Grande and continues: "How would you like to have the boundary of the Republic to run to the Paci-

9. Bancroft, *Arizona and New Mexico*, 453-4.

10. Garrison, *Texas*, 263.

11. *Texan Diplomatic Correspondence* II, 285.

12. *Ibid.*, I, 319.

fic so as to include California? This may seem too grasping, but if we can get it ought we not to take it and pay for it?"¹³

Had such ambitions remained but sterile words, they would not belong to our subject; but, in reality, they had a direct bearing on New Mexico. It would appear that the Texans believed that the people of New Mexico would gladly join themselves to their standard if the advantages of such citizenship were but clearly represented to them.

Surely in this case the wish was father to the thought. Texas had been watching the ever increasing prosperity of the trade between Santa Fé and Missouri and greatly desired to divert it to its own territory. This would supply the revenue which was so greatly needed by the young, struggling, Republic whose debt was daily increasing.

The failure of efforts to negotiate a foreign loan and of the plan to establish a government bank caused the Texans to look with envious eye on the income from the Santa Fé-St. Louis trade. President Lamar was convinced that the line of commerce could easily be deflected to Texas. One of the Texan newspapers reported:

If goods can be landed at Philadelphia, carried overland to Pittsburgh—thence shipped in a steamboat to St. Louis, and again carried overland to Santa Fe, a distance of not less than 1600 miles through almost a desert country and abounding in warlike tribes of Indians, and afford a profit,—how much greater would be the profit to carry them from Texas, less than a third of the distance, and where none of these obstacles exist . . . Goods may be landed at Galveston or Linnville, if imported direct from Europe at a cheaper rate than they can be landed at Philadelphia, as our import duty is much less than it is in the United States. From Galveston to Santa Fe is not more than 500 miles—From Philadelphia to Santa Fe it is more than 4000 miles. We have every advantage over the St. Louis trader and only want a little energy to carry the plan into successful operation.¹⁴

13. *Texan Diplomatic Correspondence* II, 385.

14. *Telegraph and Texas Register*, April 8, 1840, as cited in Binkley, W. C., *The Expansionist Movement in Texas, 1836-1850*, 60.

In 1839, President Lamar suggested to the Texan congress the sending of an expedition to New Mexico. He would have commercial relations established between Cuba and Texas with the western terminals of the trade at Chihuahua and Santa Fé.¹⁵

Communications from Texans then in New Mexico gave assurance that the people of New Mexico would gladly welcome annexation to Texas chiefly because of the tyrannical conduct of the governor, Manuel Armijo, who had gained power through a factional revolt. The Texan congress did nothing to forward the plans of Lamar but the latter determined to prepare the way for a peaceful accomplishment of the proposed design.¹⁶

For this purpose William G. Dryden, when visiting Texas, was instructed to explain to the people of New Mexico the advantages which would accrue to them from union with Texas. It was expected that John Rowland and William Workman, residents of Santa Fé, would coöperate with him. To give an official tone to the commission, the following letter from Abner S. Lipscomb, secretary of state, was sent to the delegates :

It being the intention of his Excellency, the President, shortly to send an expedition to Santa Fe of the Rio del Norte, for the purpose of exploring the best route, and opening a communication with the inhabitants of New Mexico, on the side of the Rio del Norte.—He has instructed me to solicit your aid in communicating with the people of the country and town of Santa Fe, and explaining to them the objects of the expedition.—This Republic claims the ancient boundary of Texas, from the mouth of the Rio del Norte, to its source, and is solicitous, that the civilized inhabitants within its whole limits should be organized under a Government of Laws, securing life, liberty, and property.—Should

15. Marshall, T. M., "Commercial Aspects of the Texan Santa Fe Expedition" in *Southwestern Historical Quarterly* XX, 242-259.

16. Binkley, W. C., *op. cit.*, 62-7.

the inhabitants of the North quietly and peaceably organize under our constitution and laws, you can give them the fullest assurance of equal protection and equal rights, privileges and immunities;—that they will be protected in the enjoyment of their religion without molestation or insult to its rights; that there will be no contributions, nor forced loans levied, but that taxation for the support of Government will be uniform throughout the whole Republic, and determined with certainty, not at the will of any officer or officers, but by the Representatives of the people themselves, and that none can be imposed or required in any other mode.—You can assure them that since the battle of San Jacinto, and the defeat and capture of Santa Anna, the progress of improvement in the strength and resources of the Government has been continued uninterruptedly;—that the people are happy under the administration of laws of their own making;—that they are free from all internal commotions; and secure against foreign invasion;—that with harmony of action the interests of the North and the South will become one and the same;—that a relief from a heavy and oppressive import duties will enable them to purchase such articles of merchandise as they may require at a much cheaper rate than heretofore—that the south will be a good market for all their surplus products; that it will be a short and commodious channel of commerce with the European merchants. To the inhabitants of the country known as Pueblo Indians, if they are cultivators of the soil, professing the Christian faith in any form, you may see that they can either come under our laws as citizens, with full and equal privileges, or they can be protected in the full enjoyment of their possessions of land, property and customs, bound only to peace and good order in their relations with the Government. Should it be objected, that Indians under our constitution, cannot enjoy the rights of citizenship in the fullest sense of the term, you are authorized to reply that the term “Indian” as used in our constitution, does not embrace civilized Indians, but applies to the barbarians, only; as by way of illustration many of our citizens of San Antonio

county are of the Indian race, but they are civilized, and enjoy equal privileges, and some of them have filled high offices, and some are now members of Congress, and in other offices of honor, trust, and profit. Your acquaintance with the moral conditions of the village Indians, and with our Laws will enable you to determine what position it would best suit them to occupy. It is intended that the expedition shall reach Santa Fe, at farthest by the middle of August. It will be military essentially in its character, but it will be attended by commissioners authorized to propose, and carry out the views of the Government, on the principles I have above expressed. The expedition will be prepared to make a survey of the route, Geological, Mineralogical, and Topographical, and very beneficial results are anticipated. The President is happy in the fortunate circumstance of one of your number being able to speak from his own observation of the operations of our constitution. He will be enabled to inform his associates and others of the result of his experience, and of the salutary influence of our laws. You may assure all the inhabitants that they will be protected in all the rights of property, and every proper precaution taken to prevent any kind of inconvenience or annoyance in the enjoyment of them.¹⁷

Dissension in the Texas government neutralized these efforts and the contemplated expedition was not authorized by the congress of that year. Lamar did not give up his plans. Without waiting for communication from Dryden regarding his success, but relying on other sources of information, particularly the report that it was believed in Mexico that New Mexico had already joined Texas, he determined to accomplish his design at once. The fear that the Americans then in New Mexico might follow the lead of the Texan revolutionists and set up a Republic of their own, which would more effectively limit Texas than could Mexican control of the region, provided a strong

17. Lipscomb to Dryden, Rowland, and Workman, April 14, 1841, in *Bolton Transcripts*.

incentive at least to Lamar. He determined to act without congress.¹⁸

Volunteers were requested and merchants were assured that transportation would be furnished and military protection afforded them if they wished to take advantage of this auspicious opportunity to engage in a trading venture.¹⁹

The plan was widely advertised. Recruits were obtained readily enough. As revealed by letters written later by various members of the expedition, there were various incentives for enlistment. Doubtless the most potent factor was love of adventure as well as curiosity regarding the place of which so much of interest had been reported in preceding years. Since these letters were written after the failure of the enterprise, one wonders if truly an innocent desire to return home to the United States by way of Santa Fé,²⁰ or pure adventure,²¹ or a coveted opportunity of recovering health,²² together with complete ignorance, especially on the part of the merchants who attached themselves "merely to a military escort through the dangerous Indian country," or an ulterior aim against the government of Mexico on the part of the leaders,²³ could account for the numerous enlistments.

The "Santa Fé Pioneers" as the military force was named, assembled in May at Brushy Creek near Austin.²⁴ All records and reports of the proposed expedition reveal the assured conviction of the Texans that New Mexico would gladly welcome an opportunity to pledge her allegiance to the Lone Star State. The political and commercial phases seem to have absorbed almost all the attention of those responsible for the enterprise. One of the participants who later wrote the standard account of the whole affair

18. Binkley, *The Expansionist Movement in Texas*, 67-70.

19. *Ibid.*

20. Brenham and Cooke to Thompson, April 22, 1842, in *Bolton Transcripts*.

21. Caldwell to Thompson, April 25, 1842, *Ibid.*

22. Blake to Thompson, April 23, 1842. *Ibid.*

23. Thompson to Bocanegra, May 6, 1842, *Ibid.*

24. General Order No. I, May 24, 1841, in *Order Book of the Texan-Santa Fe Expedition*. Copy in the *Bolton Collection*.

asserts: "The attempt to conquer a province, numbering some one hundred and fifty thousand inhabitants within its borders, was a shade too Quixotical to find favor in the eyes of the three hundred and twenty odd pioneers who left Texas, encumbered with wagons, merchandise and the implements of their different trades and callings."²⁵

Specific instructions were given to the commissioners, appointed to organize the government, in regard to the manner of procedure. In case of an armed uprising on the part of the people in conjunction with the Mexican army, a battle was not to be risked. "The President, anxious as he is to have our National flag acknowledged in Santa Fé, does not consider it expedient at this time to force it upon that portion of the Republic."²⁶ However, if this resistance was only on the part of the Mexican army, the right of possession of Texas was to be enforced.²⁷

After taking possession, the commissioners were to appoint to official positions such of the New Mexicans as, in their opinion, were best qualified. These, together with the appointees of the president, would conduct the government in the name of Texas.²⁸

Delegates, not more than three, were to be sent by the citizens to the next session of the Texan congress. Their function was evidently that of the minority party in committees. They might observe the Texan methods. They would not be entitled to vote but would probably be allowed to speak on any subject which was of interest to them.²⁹

The "Santa Fe Pioneers," the merchants and a few others, together with the supply and merchandise wagons, set out in the latter part of June.³⁰ The unforeseen diffi-

25. Kendall, G. W., *Narrative of the Texan-Santa Fe Expedition*, I, 16.

26. Garrison, *Diplomatic Correspondence* II, 741.

27. *Ibid.*

28. *Ibid.*, 739.

29. *Ibid.*, 740.

30. Kendall, *Narrative* I, 71-72. For interesting details not recorded by Kendall, see the *Order Book of the Texan Santa Fe Expedition* of which there is a transcript in the *Bolton Collection*.

culties which were encountered and which necessitated a complete change in the manner of advancing are rather surprising. Although the route between Austin and Santa Fé was not entirely familiar in parts, it would seem that more specific information would have been obtained before the final plans were arranged. The time consumed in the march was much longer than had been anticipated.

Preparation in New Mexico. Had hopes been facts perhaps all would have gone well with the optimistic expansionists. But such was not the case. New Mexico was in complete readiness and that readiness meant opposition. Synchronous with the earliest plans of Lamar to initiate the expedition were reports from Governor Armijo to Mexico that such schemes were contemplated. In 1839, the rumor was reported and pressing demands made for the military assistance which the exposed state of the department required. Showing how ridiculously small the military was, he asserted that even a nominal foreign force could wrest New Mexico from the mother country.³¹ Although the Minister of War promised assistance in case of actual need,³² a similar demand for troops was repeated in February of the following year.³³ Armijo declared there were not more than 50 or 60 soldiers in the department. In May he gave reasons for his hostility to the American traders and visitors in the department and asserted that Nait, a naturalized American, had gone from Taos to Texas doubtless for the purpose of acquainting that country with the condition of New Mexico, which had no force to resist foreign encroachments.³⁴

In June, more specific information could be given. From Bent's Fort it was learned definitely that a force of Texans was approaching and again Armijo earnestly requested military assistance.³⁵ This was reiterated in

31. Armijo to Minister of War, August 18, 1839, in *Bolton Transcripts*.

32. Minister of War to Armijo, October 31, 1839. *Ibid.*

33. Armijo to Minister of War, February 4, 1840. *Ibid.*

34. Same to same, May 18, 1840. *Ibid.*

35. Same to same, May 11, 1841, *Ibid.*

July. This time the news had come through travellers to the country of the Comanches. Armijo had given orders not to allow the reported expedition to enter at any point on the frontier. The military were watching all entrance points carefully.³⁶

This frontier trouble was taking place when Mexico herself was in a state of turmoil. Yet the determination not to suffer a further diminution of territory is revealed by the promise of the minister of war to send Armijo money with which to raise troops since no soldiers could be sent at that time.³⁷ But soon Armijo ascertained that the expedition had not materialized and he was able to inform Mexico that his department was in a state of tranquility.³⁸

The new year brought a renewal of rumors of hostile activity on the part of Texas and once again the letters giving clear information and appealing for help went from Armijo to the minister of war.³⁹ These letters reveal how correctly informed the officials of New Mexico were regarding Texan movements.

The governor of Chihuahua, Condé, had also taken an active interest in the rumors. He had been informed by Armijo and by others of the plans which were being formulated. On July 28, 1841, he issued a proclamation to his own people, and forwarded a number of copies to his brother governor to be distributed in New Mexico. It reads:

I have important news to communicate to you ; it is at this moment certain that a band of Texans have begun their march for the purpose of invading this Department or that of New Mexico. Do you know who the Texans are? They are adventurers who despise you as barbarians, weak minded and corrupt men. They blaspheme your religion and scoff at your pious customs; some grasping merchants

36 Same to same, July 12, 1840. *Ibid.*

37. Minister of War to Armijo, July 25, 1840. *Ibid.*

38. Armijo to Minister of War, Sept. 15, 1840. *Ibid.*

39. In the *Bolton Transcripts* there are numberless letters written during this time from Armijo to the minister of war. All have the same general purport.

who envy the fertility of your lands, the richness of your mines, and the clemency of your weather; some, men who distinguish their fellowmen by the color of their faces in order to impress the stamp of slavery on those who are not white; some, fugitives from justice who, coming from different countries, take this name when they arrive in Galveston or pass the Sabine River. Many are those who fight with the savages for your homes; they buy from them the cattle which the latter have stolen from you and supply them with the arms and munitions in order that they may rob you again and cruelly murder you. These are the Texans who, with no other compensation but pillage, no recompense but the possession of the land which they conquer with the sword and despoil with their despotism, attempt not only to maintain the usurpation which their ungrateful predecessors made of a valuable part of the national territory, but also to usurp another greater part and to enrich themselves at the expense of the Mexicans. Their design is, then, to invade and occupy this Department; they approach your frontiers to despoil and enslave you and obliterate with the vile insult of their outrages all the glory of your history.

If, in such circumstances I should have to speak to people whose patriotism was less known to me, to draw back, in their presence, the veil that hides the frightful picture in which are sketched the peculiar misfortunes consequent upon the triumph of the Texans in a struggle whose objects are proprietorship and the liberty of the individuals; in calling together, then, the citizens around the national standard, I should take care to enumerate the abundant means which the supreme government has just put into my hands in order to repel the invaders and that they permit me to arm and equip perfectly the defenders of the nation and to remunerate them with bounty and promptness. Nothing would be exaggerated in this nor anything promised which would not be confirmed very soon by deeds. But I speak with the heroic people of Chihuahua who for hundreds of years have been the strong custodians of the Mexican frontiers and who, in all epochs, have

given excellent proofs of their generosity and patriotism. I speak to the people of Chihuahua who, when it is a matter of their religion, independence, and nationality, do not hesitate a moment to rush into the arena to defend interests so precious. Nor do they care to solicit other aid than their own swords, other shields than their own breasts, nor other incentive than their patriotism.

Scarcely, either, would it be necessary for your governors to call you before hand to the conflict; the first boom from the cannon would lead you forth without fail. But I have believed it necessary to direct this address to you in order to warn you against the deceit which precedes the conquerors and travels in the vanguard of all unjust wars. Open the great book of history and you will not find one town that has been subjugated without being first divided by internal discord; on the other hand, neither has human power been capable of overcoming the resistance of a town united and resolved to sustain its liberty.

As the dissensions of Mexico and Tlascala made possible the triumph of the Spanish attack, so the union of the Greeks conquered the formidable army of Xerxes. It is certain that the emissaries of the Texans are already among us and that, by means most indirect, they try to seduce the incautious in order to sow discord among us and to open the way for those who sent them. Let them but deceive one patriot, they will depart and allow the hidden poison to work by itself among those whom they have succeeded in inoculating. Beware then of the seducers and the seduced, whose distinct character consists always in promoting changes and inciting disgusts and complaints. The governor, on his part, promises to watch them with zealous vigilance and punish whosoever may come, thus to manifest the power which the laws have placed in his hands, power which punishes severely the blameworthy at the same time that the report of it terrifies those who might imitate them.

Not being able to deceive the vigilance of the supreme governor completely hiding their hostile purpose, the invaders have taken care to make

doubtful the immediate object of their expedition indicating that they are coming to this Department or that of New Mexico without any determined design, or, much less, the points at which they scheme to present themselves. They do this with the intention of dividing our forces, to distract the attention of the authorities and to surprise us asleep in the arms of confidence. Miserable wretches! They have believed that we Mexicans are such as those who are interested in this enterprise describe us. But they make a mistake because in whatever place they present themselves they will find the unfailing resistance which the supreme governor has prepared for them and the inhabitants will oppose them spontaneously. God grant it may be in this department! The people of Chihuahua would, perhaps, be the avengers of the victims of Harrisburg and they would be the first Mexicans to pronounce judgment for those who have suffered heretofore. But if this glory is reserved for the people of New Mexico it remains for us to fight at her side and collect some leaves from her laurels. Yes, New Mexicans, you will see in this department your brothers, the people of Chihuahua, united to you by the strictest bonds; they will help you with all their strength, they will follow, as part of your army, the perfidious Texans from point to point, from redoubt to redoubt and show in all circumstances that all the children of this great nation form but one family, and that this family has sworn to be free and sovereign. . .⁴⁰

By thus giving the impression to the people that the expedition was against them, opposition was effectively developed to any move on the part of Texas to extend control over New Mexico.

Moreover, Armijo neglected nothing which would insure success in the rebuttal of the Texan invaders. Various appointments were made to enable subordinates to assist the governor where such aid was most essential. Antonio Sandoval was instructed to prevent uprisings among the

40. Translation of copy of Proclamation in the *Bolton Transcripts*. An original copy is in the Ritch Collection, Huntington Library.

Pueblo Indians,⁴¹ and others were assigned posts on the frontier or among the people.⁴²

Therefore no move of all the ill-fated "Santa Fé Pioneer" movement came as a surprise. Armijo's forces were at the frontier to meet the exhausted Texans. In two detachments they surrendered without a show of opposition. Their goods were confiscated and they were sent to Mexico on foot, under guard.⁴³ In Mexico they were imprisoned. Those who could claim that they were not Texans, and many did, were released through the intervention of Waddy Thompson, the minister of the United States to Mexico.⁴⁴ Thus ended as a complete failure the expedition undertaken with such high hopes by the "Santa Fé Pioneers." It was evident that New Mexico was not to be claimed by Texas so easily. Later attempts of somewhat similar nature involving, as they did, the interests of different groups, resulted simply in developing ever increasing hostility.⁴⁵

As a department of Mexico, New Mexico looked upon this, however, as a matter to be settled by the Mexican and

41. Miranda to Sandoval, Aug. 1, 1841. *Ibid.*

42. See *Bolton Transcripts* for various arrangements of this nature.

43. Kendall, *Narrative I*, 320-340

44. In the old *Bolton Transcripts* there are numerous letters to Waddy Thompson written by those who claimed United States citizenship. Notwithstanding the attempted ingeniousness of the communications, Thompson does not seem to have been entirely convinced of the guilelessness of the imprisoned. He based his petition for release, not on the justice of his demand but the good impression such an act of leniency would make on the friends and relatives of the captives who were living in the United States, and the pernicious consequences which would result from continued harshness toward these "Texans." (Waddy Thompson, May 4, 1842, in *Bolton Transcripts*.) Although at first his efforts met with no success, in June 1842, he was able to communicate the following to Daniel Webster, secretary of state: "I have the happiness to inform you that the Texan prisoners were all liberated on the 13th instant. I regard this act of President Santa Anna as one of generosity and magnanimity in every way honorable to him,—and I feel that it is only a matter of justice to the Mexican people to say that their conduct to the prisoners when they were released was kind and generous in the extreme. The prisoners were released upon the parade ground, and when the fact was announced it was received with acclamations by the Mexican soldiers. As the Texans passed through the immense crowd that was assembled, they were most cordially and kindly greeted. When it is remembered that these men had invaded the territory of Mexico, as enemies, such conduct, on the part of the Mexicans is eminently honorable to them." (Thompson to Daniel Webster, June 20, 1842, in *Bolton Transcripts*)

45. Binkley, W. C., *Texan Efforts to Establish Jurisdiction in New Mexico, 1836-1850*, 73.

Texan governments. The question assumed a new phase when Texas became a part of the United States and a still different aspect when New Mexico was thus incorporated.

When news reached Austin of the establishment of a civil government by Kearny, Governor J. P. Henderson wrote to Secretary Buchanan, January 4, 1847, for information regarding the truth of the rumor and whether or not the act had been sanctioned by the United States. He added:

If General Kearny acted in this matter by authority of the President, and the general government claims the exclusive right of jurisdiction and soil in Santa Fe, I shall, as the Executive of the State, regard it as my solemn duty to protest, in the name of the people and government of Texas, against said act, and claim and reassert the right of Texas to the soil and jurisdiction over that, and all other territory included within her limits, according to the act of Congress referred to above.

Inasmuch as it is not convenient for the State at this time to exercise jurisdiction over Santa Fe, I presume no objection will be made on the part of the government of the State of Texas to the establishment of a territorial government over that country by the United States; provided it is done with the *express* admission on their part that the State of Texas is entitled to the soil and jurisdiction over the same and may exercise her right whenever she regards it as expedient.⁴⁶

The reply is rather surprising. After explaining the temporary character of the government set up by Kearny and the necessity of such an act in view of the state of war then existing, Buchanan, at least to some extent, confirmed the claims of Texas by answering:

. . . Nothing, therefore, can be more certain than that this temporary government, resulting from necessity, can never injuriously affect the right which the President believes to be justly asserted by Texas to the whole territory on this side of the

46. *Sen. Ex. Doc. 24*, 31 Cong., 1 Sess., 2.

Rio Grande, whenever the Mexican claim to it shall have been extinguished by treaty. But this is a subject which more properly belongs to the legislative than to the executive branch of the government.⁴⁷

It is not astonishing that the opponents of the administration found in such statements as the foregoing an excellent weapon of attack. If Texas extended to the Rio Grande, from mouth to source, where was the consistency in sending a military force to take possession of Santa Fé, was justly asked. That here was a dilemma no one could gainsay.⁴⁸

During the years of uncertainty, Texas set about making good her claims by actual organization of the territory. On March 15, 1848, the county of Santa Fé was formed.⁴⁹ Its boundaries would include practically all of New Mexico contained in the boundary act of 1836. Shortly before, the militia of Santa Fé district was provided for and it was determined to allow it one representative in the Texan congress. The new county was to form the Eleventh Judicial District.⁵⁰ Spruce M. Baird was sent as judge.

The report that the Texas legislature planned effectively to extend its control over Santa Fé brought forth a decided protest from New Mexico. The newspaper, *The Republican*, gave warning through its columns that no citizen of the district would ever acknowledge the authority of Texas unless it were ordered by higher authorities; that it would be well to send a bodyguard to conduct their commissioners home safely and intimated that it would be wiser for Texas to drop the matter entirely.⁵¹ Notwithstanding the threatening attitude assumed by this editor, the New Mexicans apparently paid no heed to Baird and he returned to Texas.⁵²

47. *Sen. Ex. Doc. 24*, 31 Cong., 1 Sess., 3.

48. See *Congressional Globe*, 29 Cong., 2 Sess., 6-36.

49. Batts, R. L., "Defunct Counties of Texas," in *Texas Hist. Assoc. Quart.*, I, 91.

50. Gammel, "The Laws of Texas," III, 50, 96, as cited by Binkley in *op. cit.*

51. *Niles Register* LXXIV, 224.

52. Davis, W. W. H., *El Gringo*, 110-111.

Another attempt of similar nature was intrusted to Robert S. Neighbors early in 1850. He was instructed to extend the civil jurisdiction of the state over the unorganized counties of El Paso, Worth, Presidio and Santa Fé.⁵³ Neighbors sent word to the military governor, Munroe, informing him of his commission. Munroe ordered his subordinate officers not to interfere with Neighbors,⁵⁴ but the opposition aroused on the occasion was so great that no one went to the polls on the day assigned and one more futile attempt was laid to the account of Texas.⁵⁵

Boundaries Claimed by New Mexico. Perhaps New Mexico took lessons from Texas. At any rate, she too drew up a statement of her boundaries, in true pioneer fashion, at the first State Convention held in 1850. They were to begin at the Rio Grande just north of El Paso and extend thence east to the 100th meridian; thence north along the 100th meridian to the Arkansas river; thence up that stream to its source; thence in a direct line to the Colorado River of the West at its intersection with the 111th meridian; thence south on that meridian to the boundary between the United States and Mexico and along that boundary back to the Rio

53. *Sen. Ex. Doc. 67*, 31 Cong., 1 Sess., Worth county was created by Act of January 3, 1850. It was composed of the following territory: "Beginning on the Rio Grande at the northwest corner of the county of El Paso, thence up said river to a point twenty miles above the town of Sabine; thence due to the eastern branch of the Rio Pecos; thence down said stream to the northeast corner of El Paso to the place of beginning." (Batts, R. L., "Defunct Counties of Texas" in *Texas Hist. Assoc. Quart.*, I, 91)

54. *Ho. Ex. Doc. 66*, 31 Cong., 1 Sess.

55. Davis, W. W. H., *El Gringo*, 111. Texas reported the affair to the United States. In a message to the senate, President Taylor, commenting upon it, said that this territory was a portion of that acquired by the war and although he could not take it upon himself to settle the disputed boundary, it should be regarded as debatable land until the question was settled by competent authority. (*Sen. Ex. Doc. 56*, 31 Cong., 1 Sess.)

Later Texas was warned that the entire power of the United States would be employed to prevent any attempt to enforce her authority by arms; that it rested with congress to determine where the true boundary lay and it would be within the competency of that body to offer Texas indemnity for the surrender of her claims if, on investigation, it was convinced that these were well founded. (*Sen. Ex. Doc. 67*, 31 Cong., 1 Sess.)

Grande, down which it was run to the point of the beginning.⁵⁶

Just as Texas claimed portions of what was indubitably the Mexican New Mexico so hereby New Mexico, with no stronger basis for the claim than Texas could show, ran her theoretical line well within the limits of the old Spanish Texas. "But it was at last a definite boundary claim on the part of the New Mexican people—the first tangible limits which had ever been named for a province established two hundred and fifty years before."⁵⁷

Claims of Deseret. This claim by New Mexico was directed not only against Texas but also against the newly formed "State of Deseret" or Utah. The Mormons who had settled in "that portion of Upper California lying east of the Sierra Nevada Mountains" were as ambitious as any of the frontiersmen. Early in 1849 a convention was called for the purpose of draughting a constitution whereby they might govern themselves until congress should provide for them. The boundaries set out were as follows:

. . . commencing at the 33rd degree of north latitude, where it crosses the 108th degree of longitude west of Greenwich; thence running south and west to the northern boundary of Mexico; thence west to and down the main channel of the Gila River, on the northern line of Mexico, and on the northern boundary of Lower California to the Pacific Ocean; thence north to where the said line intersects the dividing ridge of the Sierra Nevada Mountains; thence north along the summit of the Sierra Nevada Mountains to the dividing range of mountains that separates the waters flowing into the Columbia River from the waters running into the great basin; thence easterly, along the dividing range of mountains that separates the waters flowing into the gulf of Mexico from the waters flowing into the gulf of California to the place of beginning.⁵⁸

56. *Sen. Ex. Doc. 74*, 31 Cong., 1 Sess., 2.

57. Binkley, *op. cit.*, 160.

58. Bancroft, *History of Utah*, 441.

Decision in Regard to Claims. Such were the conflicting claims which required adjustment before any definite organization of the new territory could be effected. Of all the claimants, it would seem that Texas had greatest reason to hope that the final decision would be in her favor. But the one vital question to which all others of justice or expediency had to give place was that of slavery. The slave interests would naturally favor the Texas claim, for if its boundaries were acknowledged to extend as far west as was claimed, without more discussion this vast region would be open to slavery; if the New Mexican claims were heard, it would be almost as equally certain that it would be closed to them. Thus only can be understood the mighty conflict which raged in the halls of congress on the apparently simple matter of determining the boundaries of New Mexico.

One circumstance was of powerful assistance in making possible a satisfactory settlement, Texas' debt was assuming alarming proportions. When, therefore, it was asked that Texas give up her claim to the territory within the generally accepted bounds of New Mexico, the proposition received appreciable force when a monetary recompense was offered. After some opposition she finally agreed, November 25, 1850, to accept \$10,000,000 for the cession as well as for the relinquishment of ships, revenue from customs houses, etc.⁵⁹

It was thus possible to define the limits of New Mexico as follows:

Beginning at a point in the Colorado River where the boundary line with the republic of Mexico crosses the same; thence eastwardly with the said boundary line to the Rio Grande; thence following the main channel of said river to the parallel of 32° north latitude; thence east with said degree to its intersection with the 103° longitude west of Greenwich; thence north with that degree of longitude west of Greenwich; thence running south and west with that parallel to the summit of the Sierra

59. Message of President Fillmore, Dec. 13, 1850, Richardson, V. 108-9.

Madre; thence south with the crest of those mountains to the thirty-seventh parallel of north latitude; thence west with said parallel to its intersection with the boundary line of the state of California; thence with said boundary line to the place of beginning.⁶⁰

Running the Southern Boundary. While these decisions were being reached, arrangements were being made for compliance with Article V of the Treaty of Guadalupe-Hidalgo which provided:

The boundary line between the two republics shall commence in the gulf of Mexico, three leagues from land opposite the mouth of the Rio Grande otherwise called Rio Bravo del Norte, or opposite the mouth of its deepest branch, if it should have more than one branch emptying directly into the sea; from thence up the middle of that river, following the deepest channel where it strikes the southern boundary of New Mexico; thence westwardly, 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 river Gila. . . The southern and western limits of New Mexico, mentioned in this article are those laid down in the map entitled "Map of the United Mexican States", as organized and defined by various acts of the Congress of said republic and constructed according to the best authorities. Revised edition. Published at New York in 1847 by J. Disturnell. . ."

In order to designate the boundary line with due precision, upon authoritative maps and to establish upon the ground landmarks which shall show the limits of both republics as described in

60. *Legislative Blue Book of New Mexico*, 36. "That part lying west of longitude 109° was detached in 1863 to form Arizona; and that part above 37° in 1867 [1861] was attached to Colorado. There was also a large addition in 1854 by the Gadsden Purchase, most of which was detached with Arizona. Utah as organized in 1850 included the later Nevada, Utah, and those part of Colorado and Wyoming which lie south of latitude 42° and west of the mountains. There was a little strip of territory acquired from Mexico lying between latitude 38°, the mountains, and the Arkansas River, that does not seem to have been provided for in the final settlement of 1850." (Bancroft, *Arizona and New Mexico*, 458)

the present article, the two governments shall each appoint a commissioner and a surveyor, who, before the expiration of one year from the date of the exchange of ratifications of this treaty shall meet at the port of San Diego and proceed to run and mark the said boundary in its whole course to the mouth of the Rio Bravo del Norte. . .⁶¹

On the part of the United States, John B. Weller was appointed first commissioner, Andrew B. Gray, first surveyor, Major Emory, astronomer, and John C. Cremony, interpreter.⁶² On the Mexican commission were Don Pedro Garcia Condé, commissioner, and José Salazar y Larregui, surveyor and astronomer.⁶³ The commissioners assembled at San Diego in June and began work as soon as possible. The task was made extremely difficult because of the lure which was being held out by the recently discovered gold fields of California. Men could not be obtained as escorts and to perform the laborious work at the low and uncertain wages offered by the government, while the prices of all the necessities of life were rising beyond all precedent. Repeatedly the work was all but rendered impossible by these conditions.⁶⁴

In the latter part of 1849, an agreement was reached in regard to the initial point of the boundary near San Diego. The point of junction of the Gila and Colorado was then determined. There was no difficulty in locating the line between the two points. It was then found to be impracticable to advance eastward beyond the mouth of the Gila towards the frontier of New Mexico.⁶⁵ It was then decided to meet at El Paso. The commission was reorganized and Bartlett replaced the dismissed Weller, June 19, 1850.⁶⁶

61. *Ho. Ex. Doc. 69*, 30 Cong., 1 Sess.

62. Bartlett, J. R., *Personal Narrative* I, 2.

63. *Sen. Ex. Doc. 119*, 32 Cong., 1 Sess., 56, 59.

64. Emory, *Report* I, 1-5.

65. Bartlett, *Personal Narrative* I, 1-5. The work of the commission was rendered almost impossible because of the play of politics in the appointment and dismissal of commissioners, etc., and the failure to provide funds. This lies beyond the scope of this work. See *Cong. Globe*, 31 Cong., 2 Sess., pp. 78 *et seq.*

66. *Sen. Ex. Doc. 119*, 32 Cong., 1 Sess., 87.

In December, 1850, the first meeting of the reorganized joint commission took place at El Paso. Meetings were held as regularly as possible, twice a week.⁶⁷ Difficulties at once presented themselves. According to the terms of the treaty, the Disturnell map was to be used as a basis of the negotiations. But the errors in this map rendered a satisfactory agreement almost impossible. The Rio Grande was located more than two degrees too far east and the town of El Paso about half a degree north of the 32d parallel while its true position is a degree farther south. It was finally decided "to fix the Initial Point on the Rio Grande at the latitude given by the map without any reference to where the true line so prolonged should terminate. Therefore, according to this determination, the point where the middle of the Rio Grande strikes the Southern Boundary of New Mexico is 22' of arc north of the parallel of latitude marked 32° upon the map. From the same point thence the Southern Boundary of New Mexico extends 3° to its Western termination."⁶⁸

Although Bartlett had thus conceded some territory which might justly be claimed, he felt that he had gained more than he had lost. When the agreement was reached, the official surveyor, Gray, was not present. On his arrival late in July, 1851, he found the monument indicating the initial point already laid and the running of the southern boundary of New Mexico begun. He refused to recognize the agreement and recalled Whipple who was acting surveyor. Discussions between the members of the commission and the play of politics in congress still further retarded the work. Finally it was intrusted to Major Emory under whom better results were achieved. By December, 1853, the survey was completed.⁶⁹

Dissatisfaction with the Boundary. The boundary decided upon did not meet with the approval of congress.

67 Bartlett, *Narrative I*, 145-151.

68. Bartlett, *ibid.*, 202-3. *Sen. Ex. Doc. 119*, 32 Cong., 1 Sess., 238.

69. *Sen. Ex. Doc. 119*, 32 Cong., 1 Sess., 279-291, 116, 119. Emory's *Report I*, 15; Rippey, J. F., *The Relations of the United States and Mexico, 1848-1860*, 168.

Many looked to the commissioners so to establish the line that a practicable southern route for a Pacific railway would be gained. It was felt that this had been sacrificed by placing the boundary of New Mexico too far north. Furthermore a flourishing settlement had been begun in the only fertile region in the otherwise desert strip under dispute. This district, known as La Mesilla, had been populated by the Mexican element of Doña Ana in 1849-50. Some few Americans had also gone there. Their motive cannot be definitely determined in view of the conflicting accounts. Bartlett attributes it to the exasperation caused by the encroachments of the Americans and the determination of the Mexicans to retain their Mexican citizenship; while from reports to the governor of New Mexico it can be inferred that the settlers clearly understood, in establishing their new homes, that they would be within the boundaries of the United States. Evidently there was a division of the people, some desiring the northern, some the southern jurisdiction. Doubtless the choice was guided by original citizenship.⁷⁰

As soon as it was definitely settled by the boundary commission that the disputed area was in Chihuahua, its chief executive took measures legally to incorporate the region. Those "favorable to American rights and privileges" objected and petitioned the governor of New Mexico to lay their complaint before the federal government.⁷¹

William Carr Lane, the successor to Calhoun in New Mexico, on hearing that the federal government had repudiated the line established by Bartlett went in person to Doña Ana and by proclamation laid claim to the disputed territory. Trias, the governor of Chihuahua, refused to admit the claims of Lane, and maintained that the inhabitants whose citizenship would be thus eventually determined did not desire annexation to the United States. He gave

70. Rippy, *op. cit.*, 176; Bartlett, *op. cit.*, 291-2.

71. Rippy, *op. cit.*, 178.

warning that, if necessary, he would defend the rights of his nation by force.

Although Lane was at first inclined to respond with force, circumstances caused him to change his tactics. The military commander of New Mexico refused to grant assistance in enforcing his proclamation, and, moreover, the minister of the United States in Mexico on being informed on the matter advised Lane to "gracefully" change his attitude.

Shortly after, the federal government showed its apparent disapproval by appointing Meriwether to supersede Lane. Meriwether was informed of the "error" made by the boundary commission but was instructed to "abstain from taking forcible possession of the tract even if on your arrival in New Mexico you find it held adversely to the claim of the United States by Mexico or the authorities of Chihuahua."⁷²

Notwithstanding the seemingly conciliatory attitude adopted by the United States, there was a strong wave of apprehension throughout Mexico. Periodicals of the time, doubtless influenced by Santa Anna, expressed indignation at the grasping policy of the United States. The fear and anger were increased by excerpts from editorials in American newspapers which advocated the absorption of more Mexican territory.⁷³

The Gadsden Treaty. The final result of the disagreement was the treaty concluded on December 30, 1853, by James Gadsden, United States minister to Mexico.

The instructions to Gadsden have never been made public but there is much reason to think that he endeavored to obtain a large strip of Mexican territory including a large part of Chihuahua and all of Lower California. Santa

72. Marcy to Meriwether, May 28, 1853. State Dept. B. U. A. Ms., as cited by Rippy, *Texan Efforts to Establish Jurisdiction in New Mexico*, 184.

73. Rippy, *op. cit.*, 188-195.

Anna took to himself the honor of reducing the amount granted to about half of the demand.⁷⁴

Article I as finally agreed upon provides:

The Mexican republic agrees to designate the following as her true limits with the United States for the future: retaining the same dividing line between the two Californias as already defined and established, according to the 5th article of the treaty of Guadalupe-Hidalgo, the limits between the two republics shall be as follows: Beginning in the Gulf of Mexico, three leagues from land, opposite the mouth of the Rio Grande, as provided in the 5th article of the treaty of Guadalupe Hidalgo; thence, as defined in the said article, up the middle of that river to the point where the parallel of 31°47' north latitude crosses the same; thence due west one hundred miles; thence south to the parallel of 31°20' north latitude; thence along the said parallel of 31°20' to the 111th meridian of longitude west of Greenwich; thence in a straight line to a point on the Colorado River, twenty English miles below the junction of the Gila and Colorado rivers; thence up the middle of the said river Colorado, until it intersects the present line between the United States and Mexico. . .⁷⁵

\$10,000,000 was paid to Mexico, then greatly in need of money, and the United States gained undisputed title to the desired route for a railroad to the west.⁷⁶

Major Emory was appointed United States commissioner and surveyor. He worked harmoniously with the Mexican appointees, José Salazar y Larregui and Francisco Jiménez, and the survey and marking of the boundary were completed before the end of October, 1855.⁷⁷

74. Wharton, R. G., *The Gadsden Treaty*, Santa Anna, *Mi Historia Militar y Política*, 106-111.

75. *Ho. Ex. Doc. 109*, 33 Cong., 1 Sess., 2.

76. The results of recent investigations on this subject are found in Garber, P. N., *The Gadsden Treaty*; Rippey, J. F., "A Ray of Light on the Gadsden Treaty" in the *Southwestern Historical Quarterly*, XXIV; and "The Negotiation of the Gadsden Treaty," in volume XXVII of the *Quarterly*.

77. Bancroft, *Arizona and New Mexico*, 491-4. Emory, I, 26-36.

AMERICAN OCCUPATION OF NEW MEXICO 273

The boundaries of New Mexico were now definitely settled on north, south, east, and west. These far flung lines were later contracted in various ways, but for the present there was no reason for uncertainty regarding her true limits.

CHAPTER VIII

THE FIRST YEARS OF TERRITORIAL GOVERNMENT

Provisions of the Organic Act. By the Organic Act, passed by congress on September 9, 1850, and approved in December by President Fillmore, New Mexico became a territory of the United States. According to the decrees of this act the legislative power and authority of the territory were vested in a governor and a bicameral legislature. The council, consisting of thirteen members, was to be elected for two years and the house of representatives of twenty-six members for one year. Universal suffrage by male citizens twenty-one years of age was provided. The governor, secretary, attorney, marshal, and three justices of the supreme court were to be appointed by the president, by and with the consent of the senate. The governor, was, ex-officio, superintendent of Indian affairs. This would give an emolument of \$1000 in addition to his salary of \$1500 as governor. Salaries of the officials were to be paid by the United States. All acts passed by the legislature and signed by the governor had to be submitted to, and receive the approval of, congress before becoming effective.¹

First Legislative Assembly. The first legislative assembly was opened on June 2, 1851. According to a contemporary who lived long enough to be able to judge in perspective, the first was the best legislature the territory ever had; it counted in its personnel the finest Mexicans and Americans that the region could produce.² A study of the acts passed bears out the praise accorded.³ It is impossible to learn from whom or what group much of this legislation emanated.

Among the chief of these provisions was the incorporation of the City of Santa Fé,⁴ which was made the capital.

1. *Legislative Manual*, 34-41

2. Ellison, S., *History of New Mexico*, 17. (Ms.) [This was edited by J. Manuel Espinosa, in N. M. HIST. REV., Jan'y 1938.]

3. See *Ho. Mis. Doc. 4*, 32 Cong., 1 Sess.

4. This was repealed in the following session.

According to the old Spanish mode, its boundaries were defined as lying in each direction one mile from the centre of the plaza.

New Mexico was divided into three judicial districts and appropriations were made for the taking of the census by counties.⁵

Congress was requested to reserve the wood and timber on the mountains and all other untillable lands for the common use of the people and forbid its sale or individual appropriation. The same provision was requested for the salt mines and salt springs.

In order to prevent litigation, and because of the familiarity of the people therewith, it was also petitioned that the laws of Mexico on mines and mining be declared and perpetuated.

It was shown how essential it was that provision be made at once by congress for roads, especially from Taos to Santa Fé. For this purpose an appropriation of \$50,000 was requested. The memorial, explaining the justice of this petition, is a valuable description of the condition of New Mexico at the time. It states that of the vast extent of the territory, the valleys alone were inhabitable and these were separated from one another by large stretches of desert land. "It resembles more a string of settlements than a regularly populated country."⁶ The need for roads was most felt at Taos, a prosperous agricultural region without access to any market for the sale of its products. The road so opened would greatly facilitate military operations and thus yearly would save the government as much as the initial cost. New Mexico was doomed to a long disappointment on this score.

Judging from ores and outcroppings that the country contained great mineral wealth in copper, gold, silver, lead,

5. The returns of the first census showed 61,457 residents in New Mexico. Of this number 538 were persons born in the United States. This did not include those connected with the army. (*Cong. Globe App.*, 32 Cong., 1 Sess., *Ho. of Rep.* 335)

6. *Ho. Mis. Doc.* 4, 32 Cong., 1 Sess., 15.

and quicksilver, as well as coal, iron and gypsum, the legislators requested congress to provide for a geological and mineralogical survey. Assurance of the presence of these minerals would, they said, induce capitalists to locate there which would promote the enterprise and interests of New Mexico. The geologic survey would also reveal the practicability of artesian wells which "would make the present barren fields fertile" and thus induce settlement.

A problem requiring federal decision was that of those Mexican citizens who had, according to the treaty of Guadalupe-Hidalgo, retained their Mexican citizenship but who now wanted to be naturalized as Americans. Since there was no law on this subject, congress was petitioned to formulate one.⁷

The first governor. James S. Calhoun, who was appointed the first governor, had been in New Mexico as Indian agent since 1849. According to practically all the accounts given of him he was very popular with the Mexican population and those Americans who had a vested interest in the region. Judge Baker, one of the American judges, writing of him stated that he was justly entitled to the confidence of the people on account of the extreme care he took of their welfare and his desire to make the recently conquered Mexicans feel they were American citizens entitled to all the rights and privileges of citizens of the United States. He made an effort to appoint the more eminent and influential of them to those offices which he considered them capable of filling. This antagonized many of the Americans who evidently had hoped to profit politically and financially by the new regime.⁸

At all events he met with such opposition that almost all his efforts for the peace and prosperity of New Mexico were paralyzed. His relations with the military officials were so strained that there was no effective coöperation, to the great detriment of the country which consequently

7. *Ho. Mis. Doc.*, 4, 32 Cong., 1 Sess.

8. Calhoun, *Correspondence*, 408.

suffered more from Indian depredations than it had ever suffered before. The history of the first years of American control of this former Mexican outpost are not of a nature to flatter the American sense of superiority.

Indian outrages. While Calhoun was Indian agent, before being named governor, he wrote to Orlando Brown, the commissioner of Indian affairs in Washington:

“Reports of ‘all’s well’ and that our difficulties are being overcome and that there ought to be no changes in the affairs here; that the people are happy and contented and prosperous . . . such reports can emanate only from luxurious ease, stupid ignorance, or combinations whose interest it is to perpetuate the present state of things which Mr. St. Vrain and others, long residents of this country, pronounce to be worse than any they have ever witnessed before—and I assure you they are infinitely worse than you can imagine.”⁹

On July 9, 1851, the members of the legislature addressed Governor Calhoun on the conditions. They stated that New Mexico was in a deplorable condition due, primarily, to Indian depredations and that at the time of writing they did not possess one tenth of what they had possessed in previous years. In 1830-34 the country presented a scene of great prosperity when over a million and a half heads of sheep and cattle roamed over the plains affording a large commerce with the United States and Mexico. Previous to 1851 the governors and dictators paid no attention whatever to the remonstrances of the people since there was no legal constitution on which to base claims. Governor Calhoun was requested to garrison the frontiers of the country in order to prevent the incursions of the savages.¹⁰

There are two possible explanations of the continuance of this state of affairs after the establishment of territorial

9. Calhoun, *Correspondence*, 142.

10. Calhoun, *Correspondence*, 386-7.

government. One is insufficient funds;¹¹ the other, much more plausible, the antagonism between the civil and military officials as well as between two factions of the people. The "state party" is accused of doing everything possible to stir up animosity against Calhoun and his supporters.

Speech of Mr. Weightman in Congress. In the annals of the discussions which took place in congress during the eventful years immediately following the passage of the Compromise of 1850 is found a lengthy speech of R. H. Weightman, representative of New Mexico, which, although primarily of a political nature, indicates rather clearly the underlying reasons for such disorder.¹²

The appointment of Calhoun as first governor met with the approval of the delegate and he asserted that the support tendered by the people to the new administration was chiefly due to the fact that it differed so essentially from that of the person previously in control, Colonel Munroe. Against the latter, Mr. Weightman preferred very serious and seemingly well-founded charges of wilful neglect of duty and failure to provide for the guaranteed rights of the people of New Mexico, such as freedom of religion and prompt legal trials of accused according to due forms of law.

In a glowing eulogium of his constituents, Mr. Weightman asserted that Governor Calhoun agreed with him in believing "that the people of New Mexico are capable of self-government. . . that they are not the miserable, degraded, and vicious people that they have been represented to be by the adherents of the . . . military government."¹³ He insisted that the presence of the troops in and around Santa Fé was desired by the traders and merchants, of whom the majority were Americans, on account of the business they assured. This group was opposed to Governor Calhoun because, besides other causes for disaffection, at his arrival the troops were transferred to frontier posts.

11. *Ibid.*, 306.

12. *Cong. Globe. App.*, 32 Cong., 1 Sess., 322-336.

13. See *Sen. Ex. Doc. I*, 32 Cong., 2 Sess., pt. II.

Mr. Weightman averred that the resident Mexicans together with the comparatively few Americans who had established themselves permanently in Santa Fé and who were, therefore, more anxious for peace and order than a market for goods rejoiced in their removal and gave unqualified support to the new governor.

A citation from the press of October 28, indicated the commercial effects of the removal of the troops.

Santa Fe is dull, very dull,—dull in the superlative degree. The headquarters of the army have been removed from here to a place . . . somewhere north of Barclay's fort. Money seems to have taken flight with the army. The glory of Santa Fe has departed, I fear me, forever. I yesterday was told by one of the chief merchants of the place that for the last twenty days he had not paid expenses. But the hope of better times is entertained by us all and gives us some comfort,

The frequent reports of civil dissension in New Mexico on the part of the Mexican population were declared emphatically to be the inventions of political agitators. As a proof of the exaggeration in the stories of "revolts and anarchy, confusion and revolution" the speaker challenged anyone to cite and substantiate a single instance in which resistance had been offered to the execution of the laws, since the treaty of peace.

If the representative of the people of New Mexico knew whereof he spoke, and there is little reason to doubt his knowledge, the frequent reports of murders and depredations of Americans were either grossly exaggerated or entirely fictitious or directly traceable to serious fault on the part of Americans. In support of his assertion he states:

Of all those who have been loudest in their outcries that there was no safety for American lives in New Mexico, what two have thought it necessary to come together for the purpose of combining for self-defense? In the midst of all this outcry . . . there has been no case of a native citizen of the United

States fleeing, for fear of his life, from his place of business in New Mexico. They are living now and have been all the time in perfect security; living in whatever town in New Mexico interest or freak dictated—in many cases a single one living in a town where, for months at a time, he could converse in the English language—living with New Mexicans without its ever occurring to them to fear the consequences of doing so, except, theoretically, when passing resolutions for political effect . . . I have never met in any part of the United States people more hospitable, more law-abiding, more kind, more generous, more desirous that a general system of education should be established among them . . . Among them I have met gentlemen of incorruptible integrity, of honor, refinement, intelligence and information . . .¹⁴

Attempts to discredit the territorial government. Efforts were made by the faction in opposition to Governor Calhoun to arouse antagonism against him on religious grounds. The *Santa Fe Gazette*, August 1851, contained an article entitled "The Triangular Fight between the Military, the Judiciary, and the Catholic Church."¹⁵ Governor Calhoun was quite certain that its object was to convey a false impression of a transaction which was evidently of a perfectly innocuous nature but which would certainly be misinterpreted if some of the facts were suppressed. Therefore he gave his official approval to the following complete statement of the episode.

When Judges Mower and Watts arrived in Santa Fé from St. Louis, June 1851, they took up their residence with the governor. The group antagonistic to the governor refused to call at his house to pay their respects to the judges. Attempts were made to win the judiciary to the side

14. *Cong. Globe. App.*, 32 Cong., 1 Sess., 322-336. Of an entirely contrary tenor is the report made by Colonel Sumner, in charge of the military, to the secretary of war, May 27, 1852. He had nothing of good and much of evil to record concerning the New Mexicans. It is quite evident that he was greatly disaffected toward the people he was appointed to protect. For his views see *Sen. Ex. Doc. 1*, 32 Cong., 2 Sess., pt. II.

15. *Cong. Globe. App.*, 32 Cong., 1 Sess., 325.

of the disaffected group but an emphatic statement was issued to the effect that the judiciary would not take any part in political matters. Mr. Sherman, clerk of the district court of Judge Mower, in reporting the affair to Judge Baker asserted that the members of the first legislative assembly under the Organic Law "hailed with unfeigned delight the arrival of the judges as an omen of a better state of things; they having the utmost confidence in the civil government of the Territory and of the United States; looking upon the Judges and the Executive with great veneration, being themselves law-abiding people and appearing very anxious to conform to the customs and laws of the United States." It was therefore the ambition of the opposing faction to secure the influence of the judges on their side. With the judiciary and the military in agreement against the governor the latter would be helpless.

Failing in this attempt, because of the refusal of the judiciary to take part in politics, the ring-leaders hit on a scheme by means of which to render the judiciary unpopular with the people by making it appear that these officials would interfere with their religion.

The opportunity was found in the circumstances attending the holding of a court session soon after the arrival of the judges. Arrangements were first made to hold the session in the Quartermaster's quarters. Shortly before the date set for the opening of court, Colonel Baker, in command of the military, refused to allow the rooms to be put to that purpose. He stated that under certain specified conditions he would allow the use of one of the old churches which had been under the control of the army ever since the conquest.

While preparations were under way for fitting the edifice for the purpose, Bishop Lamy, appointed to the Santa Fé diocese shortly after the establishment of American control in New Mexico, called on the judges and claimed title to the church. After a completely amicable discussion in which it was shown that since the army claimed control the question should be referred to the district attorney, Bishop Lamy

quietly consented to file the claim to ownership as suggested.

The matter would have rested thus, until official investigation of the title deeds, had not the opponents of the governor used the episode to persuade the people that this was an unwarranted attack on their religious liberty. Finding that real bitterness was being developed, the judges decided to find some other building and did so the next day. In expressing his opinion on the subject Bishop Lamy said that the people had doubtless been wrought upon for some political purpose. Many had come to him to know whether or not they should resist the holding of the court in the church. He replied that under no circumstances would he approve the raising of a finger against the civil authorities. He used his influence to persuade them to go home and remain quiet.¹⁶ Thus the second organized attempt to discredit Governor Calhoun was a failure.

These continued wranglings were most disastrous to New Mexico. Although in isolated cases military aid was accorded to the governor in order to enable him to show force against the Indians, such assistance was too sporadic to be really effective. Moreover he frequently complained that instructions from Washington were entirely too few to enable him to achieve the best results.¹⁷

Ill health finally caused Governor Calhoun to seek in a visit to "the States" at least temporary relief from his arduous duties. He left in charge of the Indian office John Greiner who thus epitomizes his position:¹⁸ "Left in charge of the superintendency of Indian Affairs by Governor Calhoun, without a dollar to pay expenses, without any means provided to meet any of the Indians, with only one Indian

16. Calhoun, *Correspondence*, 406-11.

17. Calhoun, *Correspondence*, 414. Under most favorable conditions mail was delivered only once a month from Independence. It took six weeks for a letter to reach New Mexico from the Atlantic Seaboard. Mail was also delivered monthly from San Antonio, Texas. (Davis, W. W. H., *El Gringo*, 272). On Feb. 5, 1851, a petition bearing sixty-four signatures was drawn up for a semi-monthly mail (Alvarez Papers)

18. Governor Calhoun died on his way east before reaching Missouri. Friend and political foe alike mourned one who had certainly done much to insure American control in New Mexico.

agent in the Territory and he in the Navajo country, with a rumor that the Comanches are forming a league with the other wild tribes to pounce down upon New Mexico and Texas, with suspicions that some devilment is afoot among the Pueblos, with rumors of revolution among the Mexicans, with the Governor, Secretary, and Chief Justice absent in the States you can judge of my position.”¹⁹

Yet the same person reported in August 1852 that matters were gradually adjusting themselves and that there was great reason to hope that soon the story of distress and turmoil would be changed into one of peace and prosperity. After riding over nearly the whole Territory “from the Arkansas to the Gila Rivers and from Acoma to Antoine Chico” he could say what could never be said before that the Indians were all at peace.²⁰ Though short-lived, this era of tranquility was of great benefit to the people.

Internal Development. It is extremely difficult to determine to what extent American interest was manifested in the internal development of New Mexico. Apart from the trade with both east and west which had long before passed the experimental stage, the chief attraction was the reputed mineral wealth. That mining was begun early under American auspices is beyond question. A communication of August 1851 affirms that work had been going on in the gold mines near Santa Rita de Cobre. “The country here, from the Rio Grande to the Rio Gila cannot be surpassed by any other part of New Mexico, and the mines all about here are very

19. “Correspondence of J. G.” in *Journal of American History* III, 552. The letters of John Greiner give an interesting, intimate picture of life in New Mexico. The writer gives little credit to the soldiers in controlling the Indian situation but explains that it was not ill-will but inability which made them so ineffective. He says: “There are 92,000 Indians (estimated) in this Territory. Many of them are at war. We have not 1,000 troops here under Colonel Sumner to manage them. Our troops are of no earthly account. They cannot catch a single Indian . . . Heavy dragoons on poor horses who know nothing of the country, sent after Indians who are at home anywhere and who always have some hour’s start . . . So far, although several expeditions have started after them, not a single Indian has been caught.” (*Ibid.*, 549)

20. Polk, *Diary*, Sept. 30, Oct. 3, 1848.

rich in Gold, Silver, Copper, lead, etc., etc.; in Gold I do not suppose that California can surpass it." 21

Although this is, doubtless, too enthusiastic, the mineral deposits were recognized as readily valuable. Greiner stated that news came in to the Americans at Santa Fé of gold and silver being found in various localities. He was confident that there was much silver near Taos.²²

Some development was made in the arts of peace even during the years of turmoil. The territorial library was established in 1852 by means of an appropriation of \$5,000 made by congress in 1851. A later addition of \$500 to defray the expense on transportation of books made possible the library loans without which the so-called library would be scarcely more than an empty building.²³

Reference has already been made to the interest of the people in education and the petition sent to congress in one of the earliest memorials from New Mexico for appropriations for that purpose. Although this was not granted, private initiative provided the desired facilities. On January 1, 1853 the Convent of Our Lady of Light was opened by the Sisters of Loretto whom Bishop Lamy had succeeded in persuading to come to New Mexico to aid him in the work of education of the children under his charge.²⁴

In almost all the other regions which became parts of the United States there were public lands which could be procured so easily that immigration rapidly followed annexation. This was not the case in New Mexico where, during

21 Calhoun, *Correspondence*, 419. The purpose of the letter was to obtain military aid against the Apaches and Navajoes who threatened to make impossible the continued operation of the mine.

22. "Correspondence of J. G." in *Journal of American History*, III, 547-548.

23. Ellison, S., *History of New Mexico* (Ms), 19. Before 1856 it contained 2,000 volumes, "standard text books on various branches of common and civil law and equity, the reports of the U. S. and state courts and codes of various states and territories, besides a number of congressional documents." (Davis, *El Gringo*, 171-2)

24. An excellent account of the opening of the Academy of Our Lady of Light Academy, Santa Fe" by Sister M. Lilliana Owens in *New Mexico Historical Review*, XIII, No. 2, 129-145 (April, 1938)

the long Spanish and Mexican regimes, all the desirable land had been occupied.²⁵

This and the California gold rush prevented the rapid influx of Americans. Gradually, however, the conquering race dominated; the trader had not come in vain; New Mexico became American.

CONCLUSION

The American occupation of New Mexico was the resultant of a number of forces acting in the same direction. The trappers and traders aroused general interest throughout the United States in the commercial advantages which would accrue from possession of this nearby foreign land; federal administrators viewed with enthusiastic approval the prospect of extension of control to the Bay of San Francisco by the acquisition of intermediate territory; slavery and anti-slavery interests each recognized therein a promising field for the establishment of its respective system with the consequent regaining of threatened political ascendancy in congress; Texas saw the desirability of rounding out her dominions by expansion to the "natural frontier," the Rio Grande.

Had diplomacy been able to accomplish its purpose, New Mexico might peacefully have become part of the United States. Mexico, however, failed to grasp the viewpoint of her ambitious northern neighbor; and, although financially embarrassed to the point of bankruptcy, refused to cede her distant province in exchange for claims lodged against her. Nor could she be persuaded that it would be to her own best interest to accept a money compensation for land that was of no apparent benefit to her, and was much desired by another. Repeated failure to effect the cession revealed that here was a region in which century-old ownership and "manifest destiny" would inevitably clash before the latter could come into her own.

25. The conflict between the original owners and the "squatters" was long and bitter. The account of the final settlement by the Court of Private Land Claims established in 1891 lies outside the scope of this work.

When the conflict ensued, New Mexico was not mentioned as a determinant factor. But the early official interest in the "Army of the West" reveals irrefutably the attitude of the administration toward New Mexico. Where negotiation failed, the sword succeeded.

The interests of New Mexico, during the first years of American domination, were subordinated to more pressing problems of national scope, to the great detriment of the conquered region. Its very distance from the centre of national life put it at a great disadvantage; neither slavery nor anti-slavery would allow its rival to establish itself in the land conquered by the sacrifices of the sons of both factions.

Under such circumstances, it is not strange that the control of the Indian population, most vital to New Mexico, was not adequately provided for, nor the adjustment of problems of government given due consideration. How these and other matters of engrossing importance commanded adequate national concern, and how, by the successful endeavors of her residents, New Mexico eventually became in fact, as well as in name, an integral part of the nation, belong to a later history of the United States.

I HELPED RAISE THE ROUGH RIDERS

By ALBERT W. THOMPSON

WAR HAD been declared between the United States and Spain. Theodore Roosevelt, native New Yorker, erst-while ranchman of Dakota, in 1898 assistant secretary of our navy who had "preached with all the fervor and zeal I possessed our duty to intervene in Cuba," was commissioned a lieutenant colonel. Colonel Roosevelt proposed that several cavalry units be recruited from the western states and territories, cowboys, hunters, broncho busters and crack shots, for service against the enemy and that these units be commanded by his friend Colonel Leonard Wood and himself. The plan found prompt acceptance in Washington. The official title of this rather unique command was The First United States Volunteer Cavalry though, as the young lieutenant wrote, "for some reason or other the public christened us Rough Riders." Rough Riders became over night a popular tocsin. Oklahoma, Indian Territory, New Mexico, and Arizona were assigned as official mustering places for the quota, originally announced as 740 men which was later raised to 1,000.

On April 25, 1898, Governor Miguel A. Otero of New Mexico was asked how many western cowboys his territory could muster in for special service under Colonel Leonard Wood and Lieutenant Colonel Theodore Roosevelt. The governor replied that the proposed assignment of 340 men to New Mexico could be ready at short notice. "I sent four troops or a full squadron to The First United States Volunteer Cavalry," wrote the ex-Governor, living in Santa Fe, 1939. "I also sent a gatling or dynamite gun squad known as Troop I."

On one of the closing days of April, 1898, the writer was handed a telegram. It read practically as follows:

Santa Fe, New Mexico, April, 1898.

Albert W. Thompson Receiver,
United States Land Office,
Clayton, New Mexico.

Enlist immediately thirty able-bodied men, your quota from Union County for First United States Volunteer Cavalry, Rough Riders, now being formed. Cowboys and men trained in the use of arms to be given preference. When selection has been completed place men in charge of one of their number and send to Santa Fe, rail. Additional instructions will be wired you as necessary.

MIGUEL A. OTERO, *Governor*,
Territory of New Mexico.¹

The ten year old village of Clayton, New Mexico, was, in 1898, a wide-open, prairie cowtown, not unlike others of its ilk in frontier days. It was situated ten miles from the northwestern corner of the Texas Panhandle and about the same distance from the former "Neutral Strip," Territory of Oklahoma. Clayton boasted of being the largest livestock shipping point in New Mexico, the ranch supply town for a wide, well-grassed district over which grazed at will, thousands upon thousands of cattle. The village was amply provided with saloons, general stores, a hotel, livery stable and dance hall. Clayton was the county seat of Union County. It also housed the United States Land Office, where homesteads and applications for purchase of the government domain, whose district then embraced millions of acres, could be filed.

The Governor's telegram asking me to enlist men as Rough Riders came unexpectedly. I had, several years before, as he knew, engaged in cattle ranching in northeastern New Mexico. I had stood night guard around panicky herds

1. This telegram I unfortunately lost. In response to my inquiry, ex-Governor Otero wrote, 1938:

I do not have a copy of the message I sent you. All official records were left in my office when I turned it over to my successor. If you should delve into the records of forty years back it would take you weeks to go through the vaults in the basement of the Capitol building.

and mingled freely with seasoned range hands and cowboys. Many of the latter I knew not only by name but those who were branded as the best riders, workers and crack shots.

Most of the cowboys were reckless, often foolhardy young fellows, Texas born, who had come up the long trail from San Antonio or further south with herds of cattle which in the 1880's and 1890's were being dumped generously onto the ranges of northern New Mexico. Some were sadly lacking in book learning for in those days schools in the isolated districts of the Southwest were few. Others had never been out of Texas and New Mexico. As Colonel Roosevelt wrote they "had never seen a larger town than Santa Fe or a bigger body of water than the Pecos in flood." When later one of our recruits shipped from Tampa to Cuba "who had never in his life before seen any water more extensive than the headstream of the Rio Grande," the Colonel heard him explain to a friend, "Oh-o-oh Jim, ma hat blew into the creek." Such were the characteristics of the men from whom we might draw our quota. There were scores of them in the Clayton district. One great cattle company gave work during the summer months of roundup, to fifty cow hands.

Evidently the chief executive's telegram "enlist thirty men immediately" brooked no delay. A wire brought the request for them to report in Santa Fe within ten days and sooner if possible. It is pleasant to recall that notwithstanding the haste in which they were recruited not one of our squad was rejected as "undesirable" on reaching the territorial capital.

The building next to our Land Office in Clayton, a rough, one-story frame with imposing false front, was occupied as a saloon. Cow hands when in Clayton made the "Favorite" their headquarters. Here they drank, discussed their troubles, and made merry. Behind the wide bar limped "Red,"—stout, sandy complected, taciturn server of liquids. "Red" had been a cow puncher too. When roping a steer in the roundup his horse had fallen breaking "Red's" leg. There-

after it befell his lot to push bottles across a saloon counter.

During the late afternoon of the day I received the governor's message I stepped into the "Favorite." A dozen roughly garbed boisterous fellows, wearing broad-brimmed hats and high-heeled boots, stood about the bar or lounged awkwardly on the establishment's only pool table. One, a tall, erect, dark haired waddie of perhaps thirty years, invited notice. He was dressed after the manner of other range riders. His spurs clattered noisily when he moved about. Unlike his companions, no six shooter hung from his hip. Jack Robinson never displayed a gun. Under his left arm usually concealed by his vest, he parked a small 22. "Sort of an emergency outfit," Jack once remarked half apologetically, "in case rattlesnakes gits too numerous."

Robinson had come to town that day from the Bar T Cross ranch sixty miles southwest of Clayton. A winter-job hand, expert roper and rider, never indulging in excessive use of liquor, Jack was range-wide known. His sense of humor was keen, his expressions homely, original—and sometimes caustic. Once he noticed the saddle one of his men rode was making sores on the backs of his mounts. "Jim," said he, "Jim, you'd better trade that saddle 'er yourn to a butcher shop. It's a meat cuttin' centipede. Every one 'er your hosses has kidney sores. Next time yer go ter town, git a new one. Rustle a blanket out 'er yer bedroll an' put it next ter your hoss."

We stood, perhaps a dozen men facing the tall mirror back of "Red." From my pocket I drew the governor's telegram, and handed it to the bar keeper. I thought this a proper channel through which to introduce the situation. "Read it out loud," I said.

"Red" did so. Then he tossed it over to the man next to me who passed it down the line.

"Who's General Wood and this feller Roosevelt?" somebody asked.

The former had fought Apaches in Arizona, I explained. Roosevelt was once a ranchman in Dakota, rode the open

range, worked on the roundup, and lived as New Mexico and Texas cowboys do. He had gotten into politics and was now assistant secretary of the United States navy. Being acquainted with the habits of westerners Colonel Roosevelt asked the opportunity of showing the country what a regiment of organized cow punchers could do fighting in Cuba. The war department proposed to call his bet. New Mexico's quota in the Rough Riders was, I understood, 340 men, of whom 30 might be drawn from Clayton.

"Them Cubians ought not to be hard to lick," volunteered "Red." "Greasers mostly. Greasers fight like sheepherders. Reckon it'll be a mounted outfit that's goin' after 'em, won't it?"

I thought so.

"Where's Cuba at?" somebody asked.

"Cuba is an island in the Atlantic Ocean south of Texas."

"Toler'ble fur I reckon."

The next morning Jack Robinson's horse stood saddled at the hitching rack in front of the "Favorite." His rider sat on the board sidewalk close by.

"Mornin', I'm waitin' fur you," said the Bar T Cross top hand. "Late gitten down ain't yer?" He smiled.

"What's up, Jack?"

"I'm goin', that is I'm goin' if you'll let me. I thought it over last night. I want to enlist in them Rough Riders. I'm leavin' directly now fur the ranch. I can be back day after tomorrer. What about it?"

"You're sure you want to go? Remember it's war. We'll take you if you've really made up your mind."

"All right. It's a cinch. Come on, let's take somethin'."

We entered the saloon. Several men stood about the place.

"Come up, fellers. What yer goin' ter drink? They're on me. I'm goin'."

"The hell you are, Jack," somebody retorted.

"May-be-so that's it," laughed Robinson.

Presently we were in the streets again. Jack loosened the rope with which his horse, a sunken-eyed, broad-back, vicious looking bay was tied to the hitching rack, coiled up the lariat, and fastened it to the horn of his saddle into which he gracefully swung.

"Adios," he called as he started down the dusty avenue. Then he pulled up his horse.

"Reckon I'm the first to enlist, ain't I,—sorter number one like?"

"You certainly are, Jack."

Could I have envisioned the future I am sure I should have called him back. Eight weeks later, on July 2nd, Jack Robinson, a member of Troop "E," Rough Riders, crept up San Juan Hill under the galling fire of sharp shooters, with others of his company. That night in the list of those killed was the name of Trooper John L. Robinson. "He was commanded to lie down during the charge," his Captain, Frederick Muller of Santa Fe, afterwards told me, "but he would not. Just then a shell clipped off the top of his head." How close he may have missed an untimely end was detailed to me by ex-Governor Otero.

"I remember Jack Robinson very well. He failed to show up after his arrival in Santa Fe when the troop was about to be sworn in. Presently he appeared running up the street out of breath, and begged so hard to be allowed to go, I had the Adjutant General add him to the roll." First of our men to enlist he was the first to die. Fate had laid her inexorable, dark, hand upon Jack Robinson.

The next week was one of the most perplexing and not altogether happy ones I ever experienced. When it became known that a Bar T Cross roundup boss had enlisted in the Rough Riders I was immediately beset by other range workers to join. Our Land Office became the center, not of those who desired to make land entries, but of cowboys intent on going to war. Men from the Cimarron River district in New Mexico and Oklahoma hurried to town; men living as far south as lower Ute Creek, seventy-five miles from Clayton,

made all night rides, to join our quota. Amusing situations are recalled in connection with some of the applicants.

One cowboy wanted not only to join the Rough Riders but urged that he be allowed to take his pet saddle horse along too.

"Old Gotch would sure ride down them Cubians," said his owner. "He sure would. He ain't afeared 'er nothin'. I can shoot between his ears an' he won't wink an eye. When I hunts antelope on him an' tells him ter 'lie down' he does it while I fires over his side. I'd certainly like ter take old Gotch along. Could ride him ter Santa Fe in five days."

Old Gotch's owner was informed that no authority had been issued as to an enlisted man furnishing his own mount.

Another cowboy suggested that if he was accepted he could "save the government money" by furnishing his own rifle, a weapon he carried on his saddle. "It's a true hitter," he affirmed. "I had the barrel cut off. It'll kill a coyote every time at three hundred yards."

One evening a messenger handed me a note asking if I would come at once to the camp house within the livery stable corral. On reaching the requested meeting place two men stepped quickly toward me. No one other than ourselves was about. Both of the strangers were armed. Entering the camp house one of the men lit a candle. In its uncertain light we took seats on boxes scattered about the room.

The men were brothers. They had ridden fifty-five miles from the Neutral Strip where, in a deep canyon, lined with cedars and scrub pine, they resided.

One of my hosts had killed a man in Texas over a long standing feud and was obliged to leave the country between suns. He made his way, horseback, to the Neutral Strip, where his brother joined him. Here, their whereabouts was for a time kept secret. Recently he had received word that this had become known, and the fugitive warned to be on his guard. He feared he might be shot from ambush by a revenge-seeking scion of the family he had injured. He

must seek a new asylum and asked to be permitted to join the Rough Riders. All he knew was to ride, rope, and shoot.

The fellow's story was appealing. He was told that he would be accepted and might come to town on a certain day, when it was planned to send our men to Santa Fe. He gave his name—probably fictitious. Of his subsequent history and fate I never learned.

Within a week our squad was mustered and ready to go forward. Four men excepted, the quota was filled with cowboys and range hands. Otto F. Menger, a tall clerk from one of the Clayton stores was enrolled as was Robert J. Parish, blacksmith, John F. Roberts, carpenter, and Jose L. Duran, barber. Ever smiling "Joe" Duran was a native son. George W. Detamore, ranchman and cowhand, Jack Robinson, Menger, William T. Easley and Bob Parish were allotted on reaching Santa Fe to Troop "E," Captain Frederick Muller. All participated in the battle of San Juan (Kettle) Hill, July 2nd, in which engagement Robinson was killed, Menger and Detamore wounded. Duran and Roberts assigned to Captain George Curry's Troop "H" were left in Tampa and saw no active service in Cuba.

The list of Rough Riders finally enrolled in Clayton is, I regret to say, hopelessly missing and unobtainable. After forty years the names of more than one of our boys are blotted from memory. To add to the confusion some of the cowhands who may have committed offenses in other parts of the country had found it convenient or perhaps necessary to adopt, as one of their comrades wrote me, "consumed names," and who when being sworn in at Santa Fe, feared to give other than their baptismal patronymics. Through this procedure their identity was lost.

The morning our squad was to leave Clayton for Santa Fe dawned bright and clear. The train of the Colorado & Southern which was to carry them to Trinidad, Colorado, where they were turned over to the Santa Fe, was due about sunrise. Practically the entire village gathered at the depot to bid the little company adieu and wish them God speed. A

few women were in tears. Cat calls, shrill coyote barks, and frequent discordant "Yip-Yips" from boys who had tarried too long at a saloon bar, rent the otherwise quiet surroundings. No serious disorders occurred. The men had been up all night in anxious anticipation of the coming day. I assigned Jack Robinson who had returned from the ranch, captain of the wild bunch, over which he kept good natured supervision. Jests and raillery such as the prairie dweller was accustomed to, were exchanged. One unsteady cowhand presently conceived the notion that it was incumbent on him to visit town and stepped up to his superior in command.

"Jack," said he, "I'm goin' over yonder. I'll be back directly."

"What yer goin' fur?" drawled Robinson.

"I left ma extra pair er spurs in the 'Favorite.' I plum forgot 'em. I sure did, Jack."

"Now yer know yer don't need no more spurs than them yer has on. Yer never had no extra spurs in yer life, onless yer rustled 'em from some sheep camp. Yer stay right here in the dayherd, an' don't yer try ter break out of it neither. You've had enough nose paint fur one mornin'. Hear me?"

"Think you'll get this outfit to Santa Fe, Jack?" an onlooker inquired.

"Oh I kinder reckon I will. Most of 'ems stampeded pretty plenty an' is about tuckered out. After I git 'em on them cars, they'll bed down poco pronto. All I'll have ter do is ter ride round 'em occasional an see there don't nothin' scare 'em. I'll have 'em in the big corral tomorrer."

Santa Fe reached, the men were sworn into service, assigned to different troops and sent to San Antonio where their training began. Infantry drilling was irksome. Cavalry practice to their liking. Here they met equally good riders as themselves, from Arizona, Oklahoma, and other parts of the west. Horses were purchased and assigned to them. "Half the horses of the regiment bucked or possessed some other of the amiable weaknesses incident to horse life

on the great ranches." Breaking bronchos was familiar work to our boys. Camp life pleasant.

I had asked our men to write to me. Knowing how arduous and difficult it was for the average cowboy to assume the role of scribe I hardly expected them to comply.

"There ain't much news going on here," wrote one of our boys from San Antonio. "It's turrible hot. We drill every day. Some of the hosses is sure raggars, as bad as them broncs the Cross L gits in every spring. Chuck is good an' the cooks is give everything they asks for, dense milk an' distracted lemon an plenty of beef to an frejoles. Our cook ain't no better than old Con (Con was a noted roundup wagon cook employed by one of the big northern New Mexico cattle companies) an when it comes to sower dough biscuits, Con can beat him plum holler. Musketoes is sure bad an as big as a yearling that's followed his mammy all winter. So long for this time."

Not long afterwards we at home received word of the departure of several troops, New Mexico captained, for Cuba, heard too (war reports because of the censorship of telegrams could not always be trusted) of the fight at San Juan Hill and the wounding of several of our Clayton squad. Then came more cheering news. Santiago had surrendered, peace between Spain and the United States promised and the Rough Riders—all that was left of them—transport bound by sea for New York where, at Montauk Point after recuperating for some weeks, they were, on September 15, mustered out of service.

In October some of our lads—less than a third of the enthusiastic band Jack Robinson chaperoned to Santa Fe five months before, were back in Clayton once more, each man plainly showing the ravages through which he had recently passed. They had stories to relate, of poor and insufficient rations, of fighting Spanish sharpshooters concealed in tree tops whose rifles did deadly work in the charge up "the Hill." Worse than all had been the grim apprehension of fever with which so many of their comrades were

stricken in Cuba. In these harrowing relations I recall no expressions of resentment or recrimination. Praise was never stinted when our men spoke of the three captains New Mexico appointed, Luna, Muller, and Llewellyn, who showed unflinching bravery and cool leadership in the fore front of their cowboy troops. The center of the drama was ever Colonel Roosevelt, "the feller that used to wrangle cows up in Dakota."

Humorous stories as well as melancholy situations were rehearsed. Smiling "Joe" Duran, barber and native son, was the target for his comrades' jocular shafts.

During training in San Antonio "Joe" was ordered to carry meals to a high ranking officer of his troop, so ran the tale. Joe refused to obey, whereupon he was confronted by a corporal's guard which promptly marshaled him into the presence of his superior to answer to the charge of insubordination. Joe endeavored to explain that he had enlisted to fight, even if necessary to lay down his life for his country, and not to "sling hash," a calling he considered menial. This outburst of patriotism, however, failed to excuse him for disobeying orders and Joe was led to the guard-house to brood over the injustice of military discipline and the sad lack of appreciation of those who had volunteered to make the supreme sacrifice.

There was another story told by one of our boys which stamped itself lastingly on my memory, as typical of the Rough Rider spirit.

"One mornin'," said the narrator, "after we'd been in San Antone a short time, we got notice that the Colonel (Roosevelt) was goin' to inspect us next day. We'd been drillin' on foot but hadn't made no great success of it. On hossback we done better. We sure did appear onery afoot—out of line, out of step, an' when we wheeled I reckon we must 'er looked like a rattler, makin' a zig zag race for a prairiedog hole. We determined though, ter do our damndest.

"Next afternoon come. We was all fixed up in our best—hat, uniform, an' boots. We marched to the parade ground

an' got inter step. The Colonel was on hossback. We went past him, turned, an' pretty soon we come back. I kinder quick-like looked down the line an' nudged the feller next ter me. He nodded. We was sure evolutin' some. I reckon we was scared too."

"By an' bye we drawed up before the Colonel. He didn't say nothin' for a minute, but directly he smiled. Then he showed his teeth. I guess he wanted to laugh, but he didn't. Finally, out it come. 'Well boys' says he, 'well boys, I've seen better marchin' than that, but I'll be damned if I ever saw worse.'"

"And what did you do," I asked.

"Why, we plum forgot all about disciplin' like, threw our hats into the air and laughed. The Colonel laughed too. After that we knowed he wouldn't never lie ter us."

What was Roosevelt's judgment of these rough, untutored riders of the plains? Subsequent acts of kindness to them, and especially to members of his troops who were wounded, showed that after the smoke of battle had blown away, he did not forget them. I know of a number of applications from troopers, lowest in the ranks of the Rough Riders, which, after Theodore Roosevelt became president, met immediate responses. They were touching testimonials of his love for his men.

On November 12, 1911, Colonel Roosevelt penned the following from Sagamore Hill, New York, to Colonel R. E. Twitchell, Santa Fe:

My dear Col. Twitchell:

Half the officers and men of my regiment came from New Mexico; and no Colonel ever commanded a finer fighting regiment. Moreover they were just as good on the march and in camp, as in battle, these of the plains and mountains, bold riders and skilled riflemen, who faced danger unflinchingly and endured hardships uncomplainingly. I regard the fact that I was one of them as well nigh the most precious heritage I can leave my children."

“Bold riders—skilled riflemen”? Yes. Some of these men of the plains who “faced danger unflinchingly,” were members of the squad enlisted in Clayton.

1420 Grant St.

Denver, Colorado.

NECROLOGY

ALFRED M. BERGERE

"One of the greatest—if not the greatest—pleasure in life in music," said Alfred M. Bergere, shortly before his death. And throughout his long and happy life of three score and a dozen years, Mr. Bergere enjoyed music—good music—and enabled his friends to enjoy it.

Mr. Bergere was a musical prodigy. He may not have played the piano in public at the age of five (like Josef Hofmann) but he did give public recitals in London before he was seventeen. Unlike many musicians who engage in business enterprises, Mr. Bergere "kept up his music"—he played the piano daily, until a crippled left hand interfered with his Chopin preludes and his Schumann "Kreisleriana."

Of Italian ancestry, Mr. Bergere had in his veins the "swing" in Haydn, Beethoven, Brahms, Bach, Strawinsky, Cesar Franck, and the volcanic Chopin. He turned to Mozart's music for breadth and depth. In recent years Mr. Bergere heard his musical masterpieces through the marvelous phonographs and recordings of today. The great master, Paderewski, and the musical genius, Cortot, played for him. So did Stokowski and Toscanini.

Mr. Bergere felt that America would gradually learn to appreciate musical masterpieces, despite the furor over fox-trots and tiger trots—and JAZZ with its dissonance. Mr. Bergere brought good music to more than one New Mexico city; he directed an orchestra in Albuquerque decades ago; he made his hospitable home in Santa Fe a music center.

Mr. Bergere loved classical music. He found enough spirit of the land of "bel canto." His father was Joseph Charles Bergere, who was born in Italy in 1804, two years after Napoleon had become president of the Italian republics. Mr. Bergere's father spent his youth in Italy and then traveled across the continent and settled in Liverpool, England, where he became one of the successful business men of

that thriving seaport. He dealt in iron and ultimately engaged in steamship building. He was associated with the first owners of the line of steamers plying between Liverpool and Mediterranean ports.

Alfred M. Bergere studied in the schools of Liverpool and later attended Queen's college in London. He showed unusual talent as a pianist but he was ambitious to build up a fortune, and his study of the careers of Czerny, Salieri, Randhartinger, Reicha, Paer and other pianists of note left him little hope of making much real money from melody. Long before Paderewski made his debut in London, Mr. Bergere was on the ocean, headed for New York, metropolis of the land of opportunity.

Like many other ambitious young men, Mr. Bergere heard of the Golden West. He came to New Mexico, then a territory. For a few years he traveled around the Southwest, studying the opportunities to make money. In 1884 he visited Los Lunas, Valencia county, and made a friend of the leading political power, Don Solomon Luna. Later he married Mr. Luna's sister, the beautiful Miss Eloisa Luna, and moved to Santa Fe. In the Oldest Capital, Mr. Bergere and his family figured prominently in social and political life for many decades.

During his long business career in New Mexico, Mr. Bergere was prominent as a realtor. He was associated with friends in the ownership and development of vast tracts of land involving over a million acres. At one time Mr. Bergere was active in the sheep business and owned 30,000 head. He served for years as an official of a life insurance company.

Mr. Bergere was an ardent Republican and in the big fight in 1912 he remained "stand-pat." He would give up his business or his music to work for the GOP ticket, "clear down the line." During a campaign, he would toil at a desk at Republican headquarters by day and round up the voters in their homes at night.

Mr. Bergere had held important offices under the Republicans; he believed in the Grand Old Party as a type of

religion. He looked upon Progressive Republicans as heretics; he regarded enemies of President Taft as his own enemies.

Mr. Bergere's great admiration was the Knights of Columbus. He slaved for this order in New Mexico. During the World War he forgot that he was getting old and crossed the seas to work with the Knights in France to cheer and comfort the American soldiers. This man, past 60 years of age, endured hardships which could have led to pneumonia and death. But Mr. Bergere returned to Santa Fe in good health to receive an ovation from his Catholic friends in Santa Fe when he delivered an address at Loretto academy. The late Archbishop Pitaval paid a tribute to Mr. Bergere for his work overseas.

Mr. Bergere for half a century was the great booster of New Mexico. People all over America, coming to Santa Fe, would call on him and address him affectionately as "Don Alfredo."

Speaking of Mr. Bergere today, former Governor Miguel A. Otero, for nine years territorial governor of New Mexico, now busily engaged in writing his memoirs, said:

"We were all deply grieved over the death of Mr. Bergere. He was a man of fine education, surpassing charm, of great vision, and an outstanding New Mexican gentleman for over half a century.

"Through the appointment of Judges Mills, McFie and Parker to the benches in various judicial districts, I was instrumental in getting Mr. Bergere named to the important post of clerk of the court. Mr. Bergere had a rare capacity for work. He was positively a tireless executive. He probably knew more people from New Mexico than anyone in the state capital. He was known by prominent people all over America."

Mr. Bergere was particularly popular with newspaper reporters. He had the gift of the late Senator J. Ham Lewis of warming the heart of the usually "cussed-out" scribe who puts paragraphs in the papers. When Mr. Bergere was

register and receiver of the U. S. land office it was a pleasure to call on him, and see his grand manner as he exclaimed: "Gentlemen of the press, please be seated!"

One of the famous European newspaper correspondents who met Mr. Bergere in Santa Fe a few years ago, called him "the grand seigneur."

Tributes to Mr. Bergere as a political leader, and successful business man, appear in various "histories" of New Mexico.

One of the hastily written articles appears in that fat, pompous, impressive, velum-bound, gilt-edged tome "The History of New Mexico" published at the turn of the last century somewhere and somehow by what was called "the Lewis Publishing company." Mr. Bergere used to chuckle over this article, for there is no mention of his rare musical gifts or his struggle to bring Beethoven, Bach and Mozart to the youth of New Mexico.

"Representative New Mexicans," published in 1912, devotes a few lines to Mr. Bergere, but gives page after page to other men who are yet unknown to fame.

Col. Twitchell, in his various histories, pays tribute to Mr. Bergere and the Bergere family, and the power they wielded in the last years of the territory and the early years of statehood.—Brian Boru Dunne in *The Santa Fe New Mexican*.

JERRY O. H. NEWBY

Death at Ojo Sarco, N. M., closed the colorful career of Jerry O. H. Newby, 65, mining engineer, lumberman, sportsman, philosopher, and once a "doctor" with Pancho Villa's troops in Mexico.

Born in Colorado, Newby spent his childhood in Taos, and for years conducted geological investigations up and down the Rocky Mountain chain, finally settling in Chihuahua, Mex.

He never studied medicine, but because of his experience in the outdoors, his Mexican neighbors looked to him for advice in illnesses. When Pancho Villa began his revo-

lutionary activities, Newby was drafted into the rebel ranks as a "doctor" and commissioned a major.

He once served as an envoy from Villa to Gen. John J. Pershing, members of the family recounted, and in 1916 was sent to the rescue of nineteen Americans captured by rebels in Chihuahua. He arrived too late. The incident became known as the Santa Ysabel massacre.

The past 20 years Newby divided his time between New Mexico timber interests and mining in Arizona.

Besides the widow and son, he is survived by a daughter, Mrs. Mary Newby Gorman, Yuma, Ariz.; two brothers, Guy, of Ojo Sarco, and Robert Allen Holland, former director of the Kansas City Art Museum.—*Albuquerque Journal*.

GENERAL G. A. Z. SNYMAN

G. A. Z. Snyman, pioneer Watrous resident widely known in New Mexico and in El Paso, Texas, died at his home in Las Vegas on Wednesday, April 26. He was 86.

He was born in South Africa in 1853, and rose to the rank of general in the Boer Rebellion. In 1905, he went to Mexico with intentions of colonizing with Dutch farmers near Chihuahua City, Chihuahua, Mex. Plans fell through, however, and he went to Watrous a year later.

Survivors include four sons, John Snyman, Fabens, Tex., Hans, Los Lunas, N. M.; Hardus, Las Cruces; and Marni of Bellflower, Cal.; and two daughters, Mrs. William Kronig and Mrs. A. R. Muesse, both of Watrous.—*Las Vegas Daily Optic*.

EPIMENIO MARTINEZ

Don Epimenio Martinez who died at Wagon Mound on March 11, was one of the pioneer business men and stock raisers of northern New Mexico. He was born in Taos in 1859, the son of Don Pablo Martinez, prominent in the territorial days. He began his business career at Taos, but moved to Colfax County in his early 20's and established a mercantile business at Martinez. After 12 years there he

moved to Wagon Mound, where he was identified with mercantile and banking and livestock interests. He held several public offices and in 1900 was appointed to represent New Mexico at the Paris exposition, where he met the president of France and other dignitaries. He also visited Germany and Italy on this trip. He is survived by his wife. Burial was in the Wagon Mound cemetery.—*Albuquerque Journal*.

WILLIAM ASHTON HAWKINS

This generation, busy with its own pressing problems from day to day, knows little or nothing of the extraordinary and varied achievements of William Ashton Hawkins who died in the veterans' hospital in Albuquerque last Thursday, June 22, and was buried in the National Cemetery at Santa Fe Saturday, following the funeral service in St. Francis Cathedral.

Not long after the young Tennessean located in Silver City, nearly 60 years ago, he helped to organize, and served with, the federalized Silver City company in the last campaign against Geronimo and his band of marauders. In what was then Grant County, some time after the big strikes around Kingston and Hillsboro, he made the acquaintance of Albert B. Fall, who afterward served as majority whip of the constitutional convention in 1910, then was elected United States senator and finally served as secretary of the interior in the Harding administration.

Drifting into the new bonanza field was another young man, a prospector in some respects, but more pressingly in need of a job. The other young man was Edward L. Doheny, who later made many millions and became one of the dominant figures of the petroleum industry. The story has often been told, though its accuracy is not here vouched for, that Hawkins and Fall obtained for Doheny a job as a school teacher.

From Silver City Hawkins went to Carlsbad, where he became associated with Charles B. Eddy, for whom the county was named. In the early nineties, with capital that

was partly furnished by the late J. J. Hagerman, father of the late Territorial Governor Herbert J. Hagerman, the group built the Pecos Valley & North Eastern railroad, a line 163 miles in length, extending from a junction with the Texas & Pacific at Pecos, Texas, through Carlsbad to Roswell. The line later was purchased by the Santa Fe system.

When the Eddy-Hagerman association ended, Eddy transferred his activities to El Paso, and Hawkins went with him. But before leaving the Pecos valley, Hawkins had become attracted to John Franklin, a young Mississippian who was making an enviable record as district attorney. The partnership lasted, and prospered, until the time of Franklin's death, more than 20 years ago.

With New York and Pennsylvania capital, Eddy, with his brother, J. Arthur, and Hawkins, began construction in 1896 or '97 of what was the largest single development project in the history of New Mexico. First was the building of El Paso & North Eastern railway, 272 miles of mainline between El Paso and Santa Rosa, with a short branch line to Oro Grande; the picturesque mountain road from Alamogordo to Cloudercroft, famed summer resort 9,000 feet in the clouds, thence six miles further, opening forests of virgin timber, 32 miles in all; a branch of 21 miles from Carrizozo to Capitan, opening the coal mines of Coalora; 132 miles of mainline between Tucumcari and Dawson.

Affiliate companies operated townsite companies at Oro Grande, Alamogordo, Carrizozo, Capitan and Santa Rosa. A clause devised by Hawkins and incorporated in all deeds by which the companies transferred ownership of lots provided that no liquor should be sold on the property; that in event of such sale of liquor, ownership of the property would revert to the company. The New Mexico supreme court in a recent decision held that clause to be valid. The provision served to prevent indiscriminate sale of liquor in towns having a growth that was partly mushroom. In each town the company leased one lot on which liquor was sold.

Other affiliates at Alamogordo built and operated the

waterworks system, the light and power plant, saw and planing mills that worked double shifts for years; built and leased a modern hotel, and established a national bank. Initial outlay for planting trees in Alamogordo was \$30,000.

It was an affiliate that opened the coal mines at Dawson that for many years were among the largest and finest in the world. Huge ovens made the coke that Southwestern smelters used in refining ores. Solid trains of coal and coke make up a large part of the tonnage between Dawson and El Paso. The line of 59 miles between Tukumcari and Santa Rosa was then owned and operated by the Rock Island lines.

The firm of Hawkins and Franklin was general counsel for E. P. & N. E., and all its affiliates. In September, 1905, E. P. & N. E., and most of its affiliates, including the Dawson railway and the mines, were acquired by El Paso & Southwestern, which had built the line from Bisbee, through Douglas, to El Paso. There has been no official statement on the purchase price, but it is said to have been about \$29,000,000.

Hawkins and Franklin continued as general counsel for the new owners, except that the firm did not represent the extensive mining interests in Arizona. E. P. & S. W. was a Phelps Dodge property.

In all its checkered career, E. P. & N. E. was hampered by bad water in the operation of its trains. There was a treating plant at every water tank between El Paso and Pintada. Flues in the locomotives would not hold the water, even after it had been chemically treated. In 1907, the new owners began a vigorous and systematic quest for pure water. Great tracts of land in the White mountains east of Carrizozo were purchased in order to obtain the rights to waters of the Bonito, Ruidoso and Hondo rivers. Nogal lake was converted into a storage reservoir and the water was brought down to the mainline in 14-inch redwood pipe. Water was lifted over the divide and carried as far east as Pintada, within five miles of Santa Rosa. The pipeline, approximately 150 miles in length, was, at the time of com-

pletion, one of the greatest in the world. Its cost was several millions, but worth every dollar of the cost.

No such amount of pure mountain water can be transferred in ownership without litigation. There was no exception here. The Southern Pacific company bought El Paso & Southwestern in 1924. Hawkins, who had formed no new partnership after Franklin's death, retired shortly after S. P. took over the properties, except that he accepted a special retainer to conclude the adjudication of water rights, which required several years.

It is necessary now to double back on the trail in order to report the many-sided man's activities. Although for nearly 25 years, the firm's main office was in El Paso, Hawkins had maintained his legal residence in Otero County. In 1902, he was elected to the territorial council, composed of 12 members. On admission to statehood, the council became the senate, and was increased to 24 members.

Throughout the period of the World war Hawkins neglected his business as much as was necessary to serve as one of three members of the executive council of defense. In cooperation with the national council of defense, the state council planned and directed the state's activities in the conflict.

Admitted to the bar in January, 1885, and admitted to practice before the supreme court in January, 1887, Hawkins was by some years the senior member and the nestor of the New Mexico bar. The firm of Hawkins and Franklin was widely regarded as one of the ablest and most resourceful the southwest has ever had.

Hawkins attained eminence in his profession, success in business and power in politics yet never lost his poise, his sense of proportion or his modesty. One who knew him for more than 35 years reports in conclusion that he was in the top flight of New Mexico's planners and builders, a great lawyer, a loyal and devoted friend. In short: A very fine gentleman.—Guthrie Smith in *The Santa Fe New Mexican*.

Index

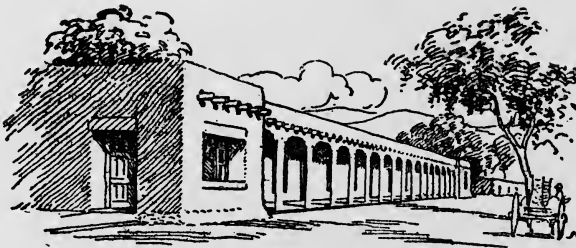


NEW MEXICO HISTORICAL REVIEW

VOL. XIV

OCTOBER, 1939

No. 4



PALACE OF THE GOVERNORS

PUBLISHED QUARTERLY BY
THE HISTORICAL SOCIETY OF NEW MEXICO
AND
THE UNIVERSITY OF NEW MEXICO



NEW MEXICO HISTORICAL REVIEW

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VOL. XIV

OCTOBER, 1939

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CONTENTS

- Federal Control of the Western Apaches, 1848-1886,
I Ralph H. Ogle 309
- The Vargas Encomienda . . . Lansing B. Bloom 366
- Notes and Reviews:
- Gran Quivira-Humanas . . . George Kubler 418
- Alessio Robles, *Coahuila y Texas en la época
colonial* L. B. B. 421

Subscription to the quarterly is \$3.00 a year in advance; single numbers (except Vol. I, 1, 2, and II, 1) may be had at \$1.00 each.

Volumes III-XII can be supplied at \$4.00 each; Vols. I-II are out of print in part.

Address business communications to Mr. P. A. F. Walter, State Museum, Santa Fe, N. M.; manuscripts and editorial correspondence should be addressed to Mr. Bloom at the University of New Mexico, Albuquerque, New Mexico.

Entered as second-class matter at Santa Fe, New Mexico
UNIVERSITY PRESS, ALBUQUERQUE, N. M.

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FEDERAL CONTROL OF THE WESTERN APACHES, 1848-1886

By RALPH H. OGLE

CHAPTER I

THE APACHE AND HIS COUNTRY

ETHNOLOGISTS generally agree that the Apache Indians, as members of the widely distributed Athapascan family, originated in the Yukon and Mackenzie river valleys. Why they broke away from the parent stock and wandered far to the south will never be known, for their migration occurred prior to the advent of the Caucasians. Since they were evidently in search of a permanent habitat, they probably would have remained in the South Plains had not the powerful Comanches driven them into the arid fastnesses of the Southwest. But once in their new home, greater in size than the New England States and New York combined, they developed into one of the fiercest tribes in America; and for more than three centuries successfully resisted every Indian, Spanish and Anglo-American effort to control or displace them.¹ In fact, from 1540 to 1886 the Apaches were the most important human element in retarding the occupation and development of the Southwest. Their ability to impede the advance of the whites so effectively would have been impossible had not the innate traits and severe physical environment of the tribe combined to develop a race of unusual formidableness. Thus, these complex factors must be studied and analyzed if the three centuries of Apache resistance are to be understood.

1. Rupert N. Richardson, *The Comanche Barrier to South Plains Settlement*, (Glendale, 1934), p. 53; Walter P. Webb, *The Great Plains*, (New York, 1931), p. 116 *passim*.

The Apache country—called *Apachería* by the Spanish—is a vast region. It roughly extends from near the Rio Grande on the east to the Colorado on the west, and from the San Francisco Mountains on the north to the heart of Mexican Chihuahua on the south.²

Physiographically, this region is characterized in the northern part by a southern protrusion of the Great Colorado Plateau, which has been dissected by erosive forces into an intricacy of deep canyons and abrupt mesas. To the south it is a land of rugged mountains, but the ranges dwindle in size from north to south until they appear as isolated ranges in the vicinity of the thirty-second parallel and on into Mexico. The same phenomenon evinces itself in the western part, and the characteristic isolated mountains stand sentinel-like well into the southern part of the Great Basin. Near the southwestern New Mexico boundary, the great Cordilleran Range again rises into the rugged Sierra Madre Mountains, thus forming some of the most forbidding portions of *Apachería*.³

From the somewhat alpine Colorado Plateau country on the north to the low desert country in the south and southwest, the intervening region consists of vast areas that have been eroded into a labyrinth of the most tortuous and intricate canyons, arroyos and mesas imaginable. A great part of the region is composed of igneous rocks, principally lava which, when washed down upon level plains or flood-plain districts, result in those desolate, forbidding areas that the early adventurers called *malpais*. Where flood-plains are deeply cut into by meandering rivers, terraced hills almost approaching canyon proportions are left as banks. Nearly all hills and mesas are capped with layers

2. In connection see frontispiece map in *Indian Population in the U. S. and Alaska*, Bur. of the Census, (Wash., 1910). See also the U. S. Dept. of the Interior Map of the Territory of the U. S., 1867. Another informative map is included in Annie H. Abel, ed., *The Official Correspondence of James S. Calhoun while Indian Agent at Santa Fé, and Superintendent of Indian Affairs in New Mexico*, (Wash., 1915).

3. *Pacific Railroad Survey Reports: Reports of Explorations and Surveys to Ascertain the Most Practicable Route for a Railroad from the Mississippi River to the Pacific Ocean, 1853-1854*, (Wash., 1855-1861), vol. iii, p. 42.

of some volcanic formation which is generally so cut up that travel over the resulting terrain is very hazardous. Likewise, in regions of sedimentary strata, erosion has gashed stupendous chasms that prove equally difficult for travel and endeavor.⁴

South of the Gila between the Rio Grande and the Colorado, the region for about 150 miles in width is of the most barren character. This area in New Mexico and to a great degree in Arizona, has the appearance of a level desert plain of sand and gravel, seamed here and there with short, abrupt mountain ranges frequently connected by low lateral "divides." While not so rough and rugged as the northern area, this region is so cut up by arroyos and ravines of moderate depth, that campaigning against Indians was of the utmost difficulty. The Apaches easily escaped detection in such a region and with equal facility they arranged ambushes. If too closely pressed they took refuge in one of the convenient ranges, where "you could as well catch a wild chamois."⁵

Climatically, the Apache country is a land of contrasts. In those parts of high altitude swift streams gave the Apaches a plentiful supply of water at all seasons. But frequently extensive areas between mountains were so effectively screened against humid air that deserts resulted in the midst of a region of fair rainfall. Naturally, the Apaches solved the difficulty by attaining a minute knowledge of all water holes, "tanks" and springs. Copious streams as they pushed down into the desert lowlands diminished in size and finally disappeared entirely in the sandy

4. *Journal of Capt. A. R. Johnson*, in W. H. Emory, *Notes of a Military Reconnaissance from Fort Leavenworth, in Missouri, to San Diego, California, Including Parts of the Arkansas, Del Norte, and Gila Rivers, 1846-1847*, 30 Cong., 1 sess., H. E. D. no. 41, p. 590; *Pac. Railroad Reports*, vol. ii, p. 13; Robert Frazer, *Apaches of the White Mountains*, (Phila., 1885), p. 4.

5. Lt. Sylvester Mowry to J. W. Denver, Nov. 10, 1857, 35 Cong., 1 sess., H. E. D. no. 2, vol. ii, p. 584; Gen. Irvin McDowell to A. A. G., Mar. 23, 1866, I. O. Miscellaneous Files; J. R. Bartlett, *Personal Narrative of Explorations and Incidents in Texas, New Mexico, California, Sonora, and Chihuahua, connected with the United States and Mexican Boundary Commission, During the Years 1850, 1851, 1852, and 1853*, (New York, 1854), vol. i, p. 365, vol. ii, pp. 567-568. See also W. H. Bishop, "Across Arizona," in *Harper's New Magazine*, vol. lvi, p. 389.

wastes of their beds. The Indians and experienced frontiersmen obtained water, however, by digging down into the channels until the underground flow was reached.⁶

What rains fell in the low resert regions were usually of torrential proportions that washed out a myriad of small channels and gullies. These physiographic features gave the unencumbered Apaches an extreme advantage over the slow moving impedimenta-laden military. In flattened areas excess waters collected and later evaporated, leaving desolate alkali playas. These dusty, unvegetative plains were special barriers to successful troop movements.⁷

The Apache country with its high mountains and low desert plains naturally had a wide variation in temperature. An Apache runner could travel in less than two days from an extensive region of alpine coolness to the burning lowlands of tropical heat. Temperatures over most of the area had a daily range of thirty to fifty degrees, those in the low altitudes standing for months at 100°-120°. What effects these extremes and wide variations had on the Apaches' bodies and minds are merely conjectural. It is probable, however, that the extraordinary stamina and ferocity characteristic of the Apaches, were sharply accentuated by these stimulating factors.⁸

The word "Apache," which is probably of Spanish or

6. Col. B. L. Bonneville to A. G., July 15, 1859, 36 Cong., 1 sess., *S. E. D.* no 2, vol. ii, pp. 301-302; A. F. Bandelier, *Final Report of Investigations Among the Indians of the Southwestern States, Carried on Mainly in the Years 1880-1885.* (Papers of the Archaeological Institute of America. American Series no. 3, Cambridge, 1890), pt. i, p. 17.

7. Julius Froebel, *Seven Years Travel in Central America, Northern Mexico and the Far West of the United States*, (London, 1859), p. 482; Emory, *Notes of a Military Reconnaissance*, p. 63; *Pac. Railroad Reports*, vol. vii, p. 30; Woodworth Clum, *Apache Agent: The Story of John P. Clum*, (New York, 1936), pp. 207-209.

8. Crook to A. A. G., Sept. 21, 1872, 42 Cong., 3 sess., *H. E. D.* no. 1, vol. ii, p. 73; Élie Reclus, *Primitive Folk: Studies in Comparative Ethnological Life*, (New York, 1891), pp. 123-124; Bandelier, *op. cit.*, pp. 15-17, 21. Crook shows ("The Apache Problem," in *Journal of the Military Service Institution of the United States*, vol. viii, p. 266) how the winter climate of the Great Plains worked for peace with the Plains tribes, and how the winter climate of the Southwest left the Apaches practically unhampered.

Mexican origin,⁹ is the name most commonly applied to the fierce and barbarian people who roamed over the territory just described. The word may have been taken from the Yuman term *e-patch*, generally interpreted to mean "man"¹⁰ or, as applied to the Apache-Yuma and Apache-Mohave, to mean "fighting man."¹¹ The word could also have been derived from the Zuñi word "Apachu," which is understood to convey the meaning of "enemy." In actual practice the early Spaniards did call the Navaho kinsmen of the Apaches the *Apaches de Nabaju*.¹² Singularly, the Apaches, who do not understand the word "Apache," call themselves the *Tinneh* or some of its variants, as *Dine*, *Tinde*, or *Inde*, which mean "man" or people."¹³

It has already been stated that the Apaches migrated from the Yukon and Mackenzie river valleys before the coming of European explorers. No exact evidence is available regarding their movement, but their present location as well as certain linguistic changes logically indicate that they broke away from their northern kinsmen at an early period.¹⁴ Ethnologists, however, are quite divergent and indefinite in their views concerning the time, reasons and routes of the Apache migration to the Southwest.

Wissler thinks that as raiders the Apaches might have gradually worked southward, and by the time of the Spanish

9. Frederick W. Hodge in *Bulletin 30* of the Bureau of American Ethnology, *Handbook of American Indians North of Mexico*, (Washington, 1907), pt. i, p. 63. This work in two volumes, edited by Hodge, will be cited hereafter as *Handbook*. Cf. also John G. Bourke, *On the Border with Crook* (New York, 1891), p. 113.

10. Frederick W. Hodge, "The Early Navaho and Apache," in *American Anthropologist*, vol. viii, p. 233.

11. Frederick W. Hodge, "Early Western History," in *Land of Sunshine*, vol. xiii, p. 442. This material is in the form of annotations to the translations by Mrs. Edward E. Ayer of Benavides' and other early writers' works.

12. *Handbook*, pt. i, p. 63.

13. "Notes on the Cosmogony and Theogony of the Mohave Indians of the Rio Colorado, Arizona," in the *Journal of American Folk Lore*, vol. ii, pp. 181-182; Bourke, *op. cit.* Dr. John P. Harrington of the Bureau of American Ethnology says *Tinneh* is the correct form of spelling. Harrington to the writer, Nov. 15, 1935.

14. A. M. Tozzer, "Notes on the Religious Ceremonials of the Navaho," in *Putnam Anniversary Volume, Anthropological Essays* (New York, 1909), p. 300; For a technical discussion of the interrelation of the Tinneah see, A. G. Morice, "Unity of Speech Among the Northern and the Southern Dine," in *Amer. Anthropol.*, vol. ix, pp. 720-727.

explorations, they had been in their new habitat long enough to learn pottery making, basket weaving and primitive agriculture. Their mode of life, he also believes, had already reached a stage more complex than that necessitated by the chase alone.¹⁵ Harrington produces evidence that they may have moved into the Pacific Northwest long ago. From here, in quest of a warmer climate, they possibly pushed on into the Great Basin where, driven by the Utes and other Shoshonean tribes towards Arizona and New Mexico, they at last took up their abode in the uninhabited White Mountains country.¹⁶ Hodge, more definitely, states that a large band came from the south in 1560 and joined the Navahos. They remained, he believes, unimportant until 1650, occupying a very limited and indeterminable area, but, by steady growth during the succeeding few decades, their importance increased with their numbers, and their aggressiveness with both.¹⁷

The Apaches in their migrations developed no distinct culture; but, receptive to extraneous ideas and modes of life, they absorbed without change many cultural elements possessed by the tribes found in the regions through which they passed. This would indicate that they left a culture

15. Clark Wissler, "The Apache Indian," in *The Target*, vol. lxxxiii, no. 33, p. 5.

16. Dr. Harrington in 1918 had several conferences on the subject of Apache migrations with the late Professor P. E. Goddard of the University of California. Goddard held the same views as Harrington. Harrington also agrees that the Apaches may have migrated south along the eastern base of the Rocky Mountains to the southern plains. From here after an extended period they were possibly forced into their present habitat by the more populous plains tribes. Harrington to the writer, Nov. 15, 1935.

17. Hodge, "The Early Navaho and Apache," *loc. cit.*, p. 227.

The first Spanish reference to the Apaches was made by Juan de Oñate in 1598 when he reported them as living in the "Snowy Mountains" of New Mexico. This location was probably not more than seventy-five miles north of the San Juan home of the Navahos; and not in the White Mountain section—the *despoblado*, or uninhabited region as Coronado's chroniclers aptly termed it. If any Apaches lived to the south in the sixteenth century, they were near the headwaters of the Gila, where, if Benavides' later account is to be accepted, their use of dog sledges definitely indicated their plains' heritage. J. G. Bourke, "Notes and News," in *Amer. Anthropol.*, vol. viii, p. 289. See also, Hodge, *loc. cit.*, for quotations from Oñate, *Obediencia y Vassalaje de San Juan Bautista*, 1598, in *Doc. Ined. de Indias*, vol. xvi, p. 114.

Niza, Coronado and Jaramillo left nothing definite to prove that any Apaches inhabited the region between the Gila and Cibola in 1539-1540. *Ibid.*, p. 228.

marked by no special positive original traits.¹⁸ As an intrusive people they merely appear to have first pushed into plains groups and finally into advanced groups of sedentary people—the Hopis and Pimas.¹⁹ What culture they have is therefore a composite of Plains and Pueblo.²⁰ However, Bandelier maintains that once in the Southwest no other tribe exercised such a powerful influence on the fate of its inhabitants as have the Apaches. He thinks they completely changed the ethnography of the region.²¹

The Apache tribe was divided into a number of tribal groups or parts, but they have not been united at any time since the period of American occupation. The main divisions remained on friendly terms with one another; occasionally two or more of them coöperated in difficult undertakings. There was considerable intermarriage among them, they had no distinct boundary lines between their several ranges, and in many respects they were more closely related than separate tribes would be. They simply segregated, as the tribe grew, into distinct groups for purposes of more effective marauding. Later, they became known by the names of the country forming their respective ranges: Pinaleño, Sierra Blanca, Chiricahua, Gileño, etc., or from some habit or mental characteristic as reflected in the names Tonto and Coyotero.²²

The easternmost group²³ were the Mimbrenos. Their principal place of abode was the Mimbres Mountains, but they also lived in many other sections of the region between the Rio Grande and the Rio San Francisco. They roamed

18. Tozzer, *op. cit.*

19. J. W. Fewkes, "Tusayán Migration Traditions," in *Nineteenth Annual Report of the Bureau of American Ethnology*, (Wash., 1900), pp. 580-581; Cosmos Mindeleff, "Aboriginal Remains in the Verde Valley," in *Thirteenth Annual Report of the Bureau of American Ethnology*, (Wash., 1896), p. 260.

20. Tozzer, *op. cit.*

21. Bandelier, *Final Report*, pt. i, pp. 182-183. See his discussion of Indian migrations, *ibid.*, p. 26 *et seq.*

22. J. G. Bourke, "Notes upon the Gentile Organization of the Apaches of Arizona," in *Journal of the American Folk-Lore Society*, vol. iii, pp. 111-126. For an Apache's discussion of the different divisions, see *Geronimo's Story of His Life*, edited by S. M. Barrett (New York, 1906), pp. 12-14.

23. Only those groups coming within the scope of this study will be considered.

widely on both sides of the Rio Grande and into Coahuila, Mexico, as well as into the White Mountains of Arizona. Some writers call them the Copper Mine Apaches and others identify them as a branch of the Gileños.²⁴ The Mexicans who were issuing rations to them at Janos in 1850 estimated their warrior strength to be 200.²⁵ During the following twenty years their total number was estimated to vary from 400-750.²⁶

A centrally located Apache group were the Coyoteros or "wolfmen," so named because they ate coyotes, or probably because they roamed about extensively. They subsisted mainly on the products secured by agriculture or the hunt, although some observers reported them to be more agricultural than any of their neighbors and to have less need for theft because of their stockraising.²⁷ This division was geographically separated into the Pinal and White Mountain Coyoteros. They ranged throughout Arizona and western New Mexico. When not roaming they stayed in the mountain regions from which they derived their names, and from these fastnesses they were said to act in concert with the predatory Tontos.²⁸ Their early numbers are unknown.

24. *The Memorial of Fray Alonzo de Benavides, 1630*, (Chicago, 1916), footnote 43, p. 265. This work was translated by Mrs. Edward E. Ayer and annotated by F. W. Hodge and C. F. Lummis.

25. Bartlett, *Personal Narrative*, vol. i, pp. 323-324.

26. J. L. Collins to J. W. Denver, Aug. 30, 1857, 35 Cong., 1 sess., *H. E. D.*, no. 2, vol. ii. p. 564; *Handbook*, pt. i, p. 863. A subdivision of the Apaches once called Mogollones, ranged over the Mogollon region of New Mexico and Arizona. Associated with the Mimbresños, they are no longer officially recognized as Mogollones. In 1857 the Indian Bureau estimated them at 900-1300. *Ibid.*, p. 919. For an early account of the ranges of the Apaches, see report of Don Jose Cortez dated 1799, in A. W. Whipple, "Report Upon the Indian Tribes of Arizona and New Mexico," *Pacific Railroad Survey Reports*, (Wash., 1856), vol. iii, pt. 111, pp. 118-120.

27. Josiah Gregg, *Commerce of the Prairies, or the Journal of a Santa Fé Trader*, (New York, 1845), vol. i, p. 290; "Yuma" to Sylvester Mowry, Dec. 25, 1859, United States Department of the Interior, Office of Indian Affairs, General Files, Arizona, M 169. Hereafter files of this class will be designated by I. O. (Indian Office), followed by their respective file numbers. Those of other territories will be kept distinct. Cf. also Whipple, *op. cit.*, p. 120.

28. M. T. McMahon to C. E. Mix, Dec. 15, 1860, I. O., Indian Division Files, M. 416. At one time the Indian Office had an Indian Division which dealt with Indian administrative matters handled by the Secretary of the Interior himself. Hereafter such files will be designated I. D., and followed by the respective file number.

The Tonto²⁹ group appears to have been a heterogeneous body of Yavapai, Yuma and Mohave with some Pinaleño Apache included. Nineteenth century writers applied the term to practically all the Indians roaming between the White Mountains and the Rio Colorado.³⁰ Many of the Yavapai in the group selected wives from the Pinal Coyoteros. Uniquely, those bands living in the Tonto Basin were so isolated that they had the characteristics of a distinct group, and they developed a dialectic difference not easily understood by the other Apaches.³¹ The first scientist to observe the Tontos reported that they had always lived near the junction of the Verde and Salt rivers, fighting Pimas and raiding into Sonora, until the establishment of Fort McDowell at that point in 1865. Then, he said, they retired eastward to the canyons northeast of Four Peaks where the army so harrassed them that they were unable to take up a permanent abode.³² They were low in the scale of humanity and relatively harmless according to the second scientific report concerning them.³³

An Apache group important in governmental relations, but insignificant in numbers was the Arivaipa. Their name meant "girls" and likely indicated the performance of some unmanly act. They lived south of the Gila in several rancherias located in the Arivaipa Canyon. Although they were somewhat agricultural, they raided far southward and were reputed to have laid waste many towns in northern Mexico prior to the Gadsden Purchase. Only a few hundred in number, the Arivaipa were credited with the extermination of

29. "Tonto" means stupid or foolish. Other Apaches created the name because the Tontos spoke so barbarously. Bourke, "Notes and News," *loc. cit.*, p. 293.

30. *Handbook*, pt. ii, p. 783.

31. P. E. Goddard, "Indians of the Southwest," *Handbook Series*, no. 2, American Museum of Natural History, (New York, 1913), p. 130.

32. Dr. Charles Smart, "Notes on the Tonto Apaches," *Annual Report for 1867*, Smithsonian Institution, (Wash., 1872), p. 417. There were possibly 2000 of them in 1866. See Smart's *ms.* no. 181, Bur. of Ethnology. Hereafter the Bureau of Ethnology will generally be designated B. E.

33. Dr. John B. White to Commissioner of Indian Affairs, Aug. 31, 1874, I. O., R 620. Hereafter the Commissioner of Indian Affairs will be designated as Commissioner or Comm.

the Sobaipuri Pimas in the late eighteenth century. Their association with the Pinalañes was very close.³⁴

Another group of great historical importance was the Yavapai or Apache-Mohave. These ethnologically complex "eastern people" or "people of the sun" were not different from their kinsmen, the Yumas and Mohaves, except that they lived a nomadic life in the mountains of west-central Arizona, instead of a sedentary one along the Colorado. Their language differed from that of the Apaches, but their customs, habits, and especially their hostility to the whites were sufficient to class them as Apaches. Their Yuman blood endowed them with a strong physique and an utter lack of feeling, while Apache contact taught them alertness and activity.³⁵ Estimated at 2000-2500 souls in 1863, they were more definitely established as a group of 1000 in 1873.³⁶

One other group of unknown numbers in the pre-reservation period, and perhaps the most widely known Indians of North America, were the "Great Mountain" or Chiricahuas.³⁷ They furnished many noted warchiefs and as aboriginal diplomats were unexcelled. Their country closely approximated the extreme part of southeastern Arizona, but under their succession of able chieftains, they carried their forays through a great part of New Mexico, Arizona, and

34. "Yuma" to Mowry, Dec. 25, 1859, *op. cit.*; *Handbook*, pt. i, p. 87. Hodge in indicating that the Arivaipa "laid waste every town in n. Mexico as far as the Gila prior to the Gadsden purchase in 1853" probably means that the raids were south from the Gila rather than north to the same.

The term Gila Apaches, or Gileños has at various times been applied to nearly all the bands living along the Gila. There were about 4000 Indians so designated in 1853. The name is now obsolete. *Ibid.*, p. 492.

35. E. S. Curtis, *The North American Indian*, (Cambridge, 1907), vol. i, p. 105; Bourke, "Notes Upon the Gentile Organization. . ." *loc. cit.*, p. 113; *Handbook*, pt. ii, p. 994.

36. C. D. Poston to W. P. Dole, April 1, 1863, 38 Cong., 1 sess., *H. E. D.* no. 1, vol. iii, p. 123; T. E. Farish, *History of Arizona*, (San Francisco, 1915), vol. vii, p. 231. This work will be cited hereafter as *Farish*.

Bourke identified the Apache-Yumas as almost identical with Yavapai. Bourke, *op. cit.* They were probably more closely allied with the Yumas and less with the Tontos than the Yavapai were. See *Handbook* under *Tulkepaia*, pt. ii, p. 836.

37. Associated with the Chiricahuas were the Pinalañes or "Pinery People." Their home was in the Pinalañes and Pinal Mountains of Arizona. Writers often confused them with the Pinal Coyoteros. *Benavides' Memorial*, footnote no. 43, pp. 260-261. See also *Handbook*, pt. i, p. 255, pt. ii, pp. 282, 284.

northern Mexico, even spreading terror and dismay to the very gates of Durango.³⁸ Given security by geographical environment and endowed with insatiable warlike propensities, they dotted their entire range with the graves of their victims.³⁹

There are many estimates of the population of the Apaches. Usually, the early observers included the eastern groups in their figures.⁴⁰ Benavides thought there were more Apaches than all the other people of New Spain,⁴¹ while Catlin over two centuries later estimated them at 30,000 persons.⁴² Even Cremony, in their midst during the 1860's, estimated them at 25,000 souls.⁴³ Engineers and explorers modestly placed their numbers at 5,000-7,000.⁴⁴ The latter figures, more in conformity with those recorded in reservation days, doubtless, approximate closely the actual early numbers of the Western groups.

Ethnologically, the Apaches appear to have been a varied group, their numbers having been augmented by captives taken from neighboring tribes as well as from the settlements of northern Mexico. Hrdlicka says, however, that they were a clearly defined physical type of "remarkable homogeneity."⁴⁵

The Apaches in physique were below average, being about five feet five inches in height and weighing 140-150 pounds. Nevertheless, they satisfied every requirement for a robust and healthy race. With broad, deep and full chests,

38. Patrick Hamilton, *The Resources of Arizona*, (San Francisco, 1884), p. 293.

39. "Yuma" to Mowry, Dec. 25, 1859, *op. cit.*

40. For the eastern groups see *Handbook*, pp. 63-67; Carl Coke Rister, *The Southwestern Frontier, 1865-1881*, (Cleveland, 1928), pp. 33-35; Rupert N. Richardson, *The Comanche Barrier*, p. 52. See also Richardson and Rister, *The Greater Southwest*, (Glendale, 1934), chap. i.

41. Hodge, "Early Western History," *loc. cit.*, p. 438.

42. George Catlin, *Last Rambles among the Indians*, (London, n. d.), p. 180. Catlin never saw a war party of more than 300 braves; nevertheless, he reported a total of 8000 warriors.

43. John C. Cremony, *Life among the Apaches*, (New York, 1868), p. 142.

44. *Pac. Railroad Reports*, vol. ii, p. 14; Bartlett, *op. cit.*, vol. ii, p. 385.

45. Ales Hrdlicka, *Physiological and Medical Observations among the Indians of the Southwestern United States and Northern Mexico*, Bulletin 34, B. E., (Wash., 1908), pp. 8-9. See also Hrdlicka, "Stature of Indians of the Southwest and Northern Mexico," in *Putnam Anniversary Volume*, pp. 411-412.

straight shoulders, well proportioned limbs, strong and muscular, they were products of their environment.⁴⁶ They had high cheek bones, very broad faces and Roman noses, with firm set, rather large under jaws. Their outer ears were pitched more forward and set straighter up and down than were those of the whites. In color they varied from dark to light mahogany. Their well-shaped heads looked enormously large because of the even coat of thick mane-like hair which covered them.⁴⁷ The women, though generally several inches shorter than the men, were better specimens physically. The younger women possessed regular, clear cut features, large, liquid, brown eyes, and clear, smooth skin embellished with a mass of long shining, black hair. These attractive personal characteristics, further enhanced by slender figures that terminated in shapely limbs and small feet, caused early commentators to describe Apache maidens as individuals of unusual beauty.⁴⁸

The strength, endurance and stamina of the Apaches were a source of amazement to those whites who knew the Indians well. Their lung power was remarkable, and they were swift and tireless at climbing mountains or making long marches. "Ninety miles by trail in thirteen hours was nothing unusual for the Apache runner," and on the side of a mountain they could outrun a horse.⁴⁹

Physical pain and suffering could be borne to a great degree. The Apaches could race through cacti that would cover a horse or mule with blood; also, they have been known to endure temperatures down to twenty to forty below zero, dressed in nothing but a breech-cloth.⁵⁰ Individuals were

46. Dr. J. B. White, *ms.* no. 179, B. E., p. 21; J. G. Bourke, *An Apache Campaign in the Sierra Madre: An Account of the Expedition in Pursuit of the Hostile Chiricahuas in the Spring of 1883*, (New York, 1886), pp. 22-23.

47. *Pac. Railroad Reports*, vol. iii, pp. 97-99; Dr. W. H. Corbusier, "The Apache-Yumas and Apache-Mohaves," in *American Antiquarian*, (reprint) Sept., 1886, pp. 3-5.

48. O. L. Hein, *Memories of Long Ago*, (New York, 1925), p. 89; *Arizona Miner* (Prescott), Mar. 9, 1872; White, *op. cit.*

49. E. D. Tussey, "The Apache Wars in Arizona, *ms.*, *University of Iowa*, 1926, p. 8; N. S. Higgins, *ms.* no. 180, B. E., (1866), p. 8.

50. Reclus, *Primitive Folk*, p. 125; Cremony, *op. cit.*, pp. 33-34.

seldom killed outright. Higgins knew of a buck who, before he fell, ran three hundred yards through bushes which tore off parts of the viscera that protruded from an abdominal wound. He also knew of another one that, though seriously wounded eight times, kept on the warpath until he was hanged at Apache Pass in 1862.⁵¹ General Crook looked upon them as an embodiment of physical endurance, resembling "as little the well-fed Indian of the eastern reservations, as does the hungry wolf the sleek house dog."⁵²

Violence and disease, notwithstanding, decimated the Apaches despite their physical hardihood.⁵³ Opinions vary regarding infant mortality. Those officials concerned with the military control of the tribes, saw only the strong and perfectly developed children surviving, while those in civil control found infant mortality slight, and an increasing birthrate.⁵⁴ When they were herded on reservations, individuals of all ages were plagued by diseases of sedentary life. Respiratory troubles, eye diseases, fevers and digestive troubles took a heavy toll. Closer contact with the whites induced smallpox and venereal maladies. Mysteriously, meningitis frequently attacked the children. Among the adults the dissipation incident to excessive drinking, exposure while drunk, lack of sanitation and sleepless nights at medicine ceremonies broke them down physically and made the inroads of disease easy; furthermore, their medicinal practices spread the scourges instead of curing them.⁵⁵ Dr. White found that the Apaches matured early, died relatively young and seldom lived to be grandparents. But Dr. Charles Henry reported to Schoolcraft that many were cen-

51. Higgins, *op. cit.*, p. 20. The women frequently carried for long distances loaded baskets weighing 200-260 pounds. White, *op. cit.*, p. 48.

52. Gen. George Crook, "The Apache Problems," *loc. cit.*, pp. 261-262.

53. Hrdlicka found among the southwestern tribes, except in the case of the Apaches, an excess of males over females. Their exception, he felt, was due to violent deaths resulting from their continuous wars and raids. Hrdlicka, *op. cit.*, p. 38.

54. Reclus, *op. cit.*, p. 135; Clum, *Apache Agent*, p. 95, 144.

55. A. B. Reagan, "Notes On the Indians of the Fort Apache Regions," *Anthropological Papers of the Museum of Natural History*, (New York, 1930), vol. xxxi, pt. v, p. 314.

tenarians and that the old men were extraordinarily well-preserved.⁵⁶

The Apaches from the psychical standpoint are difficult to estimate. This is due to the differences in the views of the whites and the reds. The settlers and military generally looked upon them as little above the gruesome forms of animal life that infested the same habitat. But when the whites called them cowards, perhaps the Apaches in their own estimation were exercising the greatest courage. Bourke declared them entitled to rank among the bravest, and Crook said they knew their rights and were not afraid to maintain them.⁵⁷ When mortally wounded or when escape was impossible they would fight until death. Boys were as courageous as adults and the women often exhibited more real courage than the warriors.⁵⁸

In aboriginal duplicity, diplomacy and woodcraft, the Apaches' resistance to control was further increased. Bandelier found them to be quick of perception with a practical turn of mind, and cunning rather than bright.⁵⁹ Their hearing, vision and imitativeness were cultivated to perfection. Their knowledge of camouflage proved that they had a perfect understanding of the assimilation of colors.⁶⁰

56. Henry R. Schoolcraft, *Information Respecting the History, Condition, and Prospects of the Indian Tribes of the United States*, (New York, 1855), vol. v, p. 208.

Dr. White's observations in the years 1873-1875 were made at a time when a very great proportion of the older people had undoubtedly suffered violent deaths incident to military activity, or had succumbed to the vicissitudes resulting from it. Out of every 1000 Indians, he reported 146 husbands, 156 wives, 110 bachelors and widowers, 126 spinsters and widows, 226 boys under 13 and 236 girls under 13. White, *op. cit.* p. 23.

57. Bourke, *An Apache Campaign*, pp. 34-35; Crook to Herbert Welch, July 16, 1884, in *Indian Rights Association Publications, 1st series*, (Phila., 1884).

58. Bartlett, *op. cit.*, vol. i, p. 454; Cremony, *op. cit.*, p. 142.

Young army officers frequently accused Apache military scouts of being cowardly because the scouts preferred stealth and adroitness to close combat. Hand to hand fighting did terrorize the warriors, for being imaginative the effect of disaster was not measured by actual loss and suffering, but by the source, shape and suddenness of it. Lt. G. O. Eaton to Post Adjutant (Camp Verde), Nov. 7, 1874, United States Department of War, Adjutant General's Office, Old Files Section, Executive Division, no. 5254. Hereafter files of this class will be designated A. G. O., followed by their respective file numbers. See also Francis A. Walker, *The Indian Question* (Boston,, 1874), p. 46.

59. Bandelier, *op. cit.*, p. 259.

60. Higgins, *op. cit.* Cremony gives this subject much attention. Cf. his *Life among the Apaches*, pp. 189, 290-291.

All this native ability was used in war and the chase. The Apaches' idea of war was to keep a general feeling of insecurity for life and property among their victims, striking them only when there could be no retaliation.⁶¹ They surveyed the terrain along the trails with a rapidity and a thoroughness astounding to Caucasians. Their knowledge of the topography of the country over which they ranged was almost perfect. Besides, they knew expertly how to utilize both the plant and animal resources of the area. These factors allowed the bands to maintain their existence under the most trying conditions.⁶²

The most important element in Apache resistance to military control was perhaps their effective use of signs and signals and their ability to communicate over long distances. Parties on the trail left stones and sticks so arranged as to show numbers, purposes, results of undertakings and the necessity of assistance. Intruders into the Apache range left the facts concerning their numbers, character and time of their passing by the nature and condition of the grass that they had pressed down, and by the ordure of their mounts.⁶³ Intelligence was communicated to all parts of Apacheria in twenty-four hours through the use of smoke signals by day and fire flashes at night. Such effective communication allowed the small detached bands, which the unreliability of natural subsistence necessitated, to operate in unusual concert, and with remarkable formidableness to maintain control over the vast region they inhabited.⁶⁴

Hostile Apaches were extraordinarily difficult to apprehend. If pursued their courses led over terrain that left no trails and through regions where surprise or capture was a

61. Lt. A. G. Hennise to Wm. Clayton, Aug. 31, 1870, 41 Cong., 3 sess., *H. E. D.* no. 1, vol. i, p. 624; *The Weekly Arizonian* (Tucson), July 24, 1869.

62. Bourke, *op. cit.*, p. 35; White, *op. cit.*, p. 46.

63. Lt. S. W. Fountain to A. G., Dec. 12, 1885, I. O., 3205. After 1880 all communications received at the Indian Office were filed serially by number. See also Cremony, *op. cit.*, pp. 184-186.

64. Information concerning the movements of troops was "smoked through" for distances of 300 miles in 2-3 hours. Military couriers 5-6 days later would confirm the correctness of the Indians' messages. *Farish*, vol. iv, p. 79.

mere accident. They avoided all water holes, going easily a hundred miles without halting; their drinking water was carried along in the intestines of animals killed by the way. Attacks were made at moments when their enemies felt most secure. Then the Apaches scattered like wolves to rendezvous again at some distant spot known only to themselves. To experienced army officers they were the fiercest and most redoubtable of all the warlike Indians.⁶⁵

The Apaches as diplomats were good talkers and not readily deceived. Probably equalling the Iroquois in the maxim of "divide and rule," they took good care to be at peace with some of their sedentary neighbors while devastating others. They once tried to burn San Xavier when 3,000 friendly Apaches were camped close to Tucson. They commonly sold at El Paso the plunder taken from Sonora, and certain Mexican towns were always courted so that troop movements could be ascertained. Even as late as 1886, Nacori and Becodeguachi were exempt from devastations for this reason.⁶⁶

Partisan views made an analysis of the Apache moral life very difficult. A fair estimate is therefore impossible because Apache standards differed so widely from those of their observers. Most frontiersmen naturally vilified the Indians as "murderers by descent and thieves by prescription."⁶⁷

The whites considered the Apaches a treacherous race, but the tribesmen in training their children from birth to regard all other people as natural enemies made treachery a prime virtue. The chief excellence of a warrior was to outwit his enemies in order that the highest honors could be bestowed upon him because of his rascality; therefore, even the charge of intertribal treachery loses its force, for each

65. Crook to A. A. G., Sept. 21, 1872, 42 Cong., 3 sess., *H. E. D.* no. 1, vol. ii, p. 78; Crook to Welch, July 16, 1884, *op. cit.*; Crook to A. G., Jan. 11, 1886, I. O., Land Div., 4584.

66. Bourke, "Notes and News," *op. cit.*, p. 288; W. Turner, "The Fearless Apaches," in *National Republic*, vol. xvi, p. 39.

67. *Journals of the First* (Prescott, 1864) *Legislative Assembly*, p. 43.

band was strictly independent of all other bands.⁶⁸ Thieves were more esteemed than brave men, especially by Apache debutantes, yet theft within the band was frowned upon as the worst of crimes. Deceit was regarded with the greatest admiration. To take advantage of a credulous enemy was a splendid stroke of policy. Justice and revenge were synonymous ideas, and the next comer was held strictly responsible for the acts and intentions of his predecessors.⁶⁹

Naturally, the Apaches were a cruel race, representing as they did generations steeled in fighting against enemies "as cruel and revengeful" as they themselves.⁷⁰ Taught in their childhood how to inflict heinous punishment on captive birds and animals, they later, as adults, practiced it on their human victims by roasting their heads over slow fires, by cutting off piecemeal the less vital parts of their bodies and by the final crushing of their heads.⁷¹

What differences of culture one finds among the Western Apaches and other aboriginal Americans are essentially due to geographical determiniam. The Apaches were strictly products of their particular environment. Their ability to live off their region was expressed by a very old Apache who said, "There is food everywhere if one only knows how to

68. M. T. McMahan to C. E. Mix, Dec. 15, 1860, I. D., M 416; H. H. Bancroft, *History of Arizona and New Mexico, 1530-1888*, (San Francisco, 1889), p. 552; Froebel, *Seven Years Travel*, p. 489. Intertribal looseness benefitted the United States at a later time, for had General Crook been unsuccessful in inducing the bands to fight against each other, the tribe would have been almost unconquerable. Tussey, *op. cit.*, p. 17.

69. Cremony, *op. cit.*, pp. 72, 86.

70. Crook, *loc. cit.*, vol. viii, p. 261.

71. Prescott Miner, July 1, 1871; *Arizona Citizen*, Sept. 18, 1881. Some superstitious idea about the body must have caused the habitual crushing of heads. After firearms became common, a bullet was always fired through the heads. Certain types of mutilations were committed out of high respect for the victims. When an enemy's heart was cut out and eaten, it was done so the courage of the victim would be transmitted to the victors. The stirrup foot and the right hand were skinned as a mark of respect to a foe who sold his life dearly. Scalping (seldom practiced) and disfiguring were restricted to those who had fought for their lives. *Arizona Miner*, Nov. 18, 1875; *Farrish*, vol. v, p. 289; *Geronimo's Story*, pp. 54, 60.

The Apaches were not devoid of higher feelings and emotions, and despite a stoical attitude they could not endure pain as well as the whites. They often made special efforts to assuage the cares and burdens of their maimed and decrepit people. Corbusier, *loc. cit.*, pp. 24-25; Emory, *Notes of a Military Reconnaissance*, p. 61.

find it." ⁷² This statement especially explained the Apache's fitness to be nomadic and predatory, for they were at home anywhere. ⁷³

Meats were a staple part of the diet, large game being preferred, but rats, hares, coyotes, lizards and caterpillars were also acceptable. Pork was rejected and fowls were not eaten except under duress. Horse meat was highly prized and mule meat was a delicacy. The fetus of a calf and parts of the viscera of slain animals were titbits. The marrow of bones and the blood of animals were carefully utilized. Fish, bear and beaver were avoided entirely as were most animals associated with water. This custom was doubtless due to forgotten cosmogonic and religious views. ⁷⁴

Practically every plant of the Apaches' habitat furnished some edible product. Piñon nuts, mesquite beans, mushrooms, greens, bulbs, roots, wild fruits, acorns, barks and grass seeds were used in various ways. The cacti family rendered heavy tribute. Mescal, made from the bulb of the agave, was indispensable. ⁷⁵ The amount of food available to eat varied with the seasons; sometimes there was want. When pressed the Apaches would resort to articles of food unknown or repulsive to white men. Gormandism characterized such an irregular economy, and when un-matured fruits and vegetables were consumed, serious dietary troubles followed. Infant mortality was largely due

72. Cremony, *op. cit.*, p. 296.

73. Curtis, *North American Indians*, vol. i, p. 131; Bourke, *An Apache Campaign*, pp. 30-32.

74. Granville Goodwin, "The Social Divisions and Economic Life of the Western Apaches," in *American Anthropologist*, vol. xxxvi, pp. 61-62; S. W. Cozzens, *The Marvellous Country: or Three Years in Arizona and New Mexico, the Apaches' Home*, (London, 1874), p. 121; M. R. Harrington, "The Devil Dance of the Apaches," in *The Museum Journal*, (Univ. of Penn.), vol. viii, pp. 6-9; P. C. Becknell and Washington Matthews, "Why the Apaches Eat No Fish," *Journal of Amer. Folk-Lore*, vol. xi, pp. 107, 112.

75. Lt. Bernard Reilly to P. A., Oct. 31, 1874, A. G. O., 5053; Walter Hough, "Environmental Interrelations in Arizona," *Amer. Anthropologist*, vol. xi, pp. 133-135; J. G. Bourke, "The Folk-foods of the Rio Grande Valley and Northern Mexico," in *Journ. of Amer. Folk-Lore*, vol. viii, pp. 41-71. The Apaches grew grains and vegetables to a limited degree. The elaborate process of making mescal is given in Frank Russell, "The Pima Indians," *Twenty-sixth Annual Report of the Bureau of American Ethnology*, (Wash., 1908), p. 70.

to the immediate change of Apache babies from milk to the diet of adults.⁷⁶

Liquor was a scourge among the Apaches. They drank that of the whites when available, but relied chiefly on their own brew called tiswin. This liquor, combined with the Apache mode of drinking, had perhaps the most effective result of making men pugnacious and quarrelsome that the world has ever seen.⁷⁷

Goodwin viewed Apache life as tripartite: Hunting was practiced, but the game was never exhausted or driven from the Apache range; therefore, the hunters seldom went long distances for it. Agriculture was followed, but not sufficiently to induce sedentary life; and as users of indigenous plant foods, the Apaches still found it necessary to hunt and farm. Their existence, as a consequence, kept them moving about, following a seasonal schedule. Naturally, they developed habitations adapted to the arid climate of their range and the constant shifting necessitated by their mode of life.⁷⁸

Their huts, called wickiups by the whites, were hemispherical to bluntly conical in form. They were ten to twelve feet in diameter and nine to ten in height. Slender poles stuck in the ground to form a circle with the tops then bent over and tied together composed the framework. Rushes, branches or hides spread over this skeleton except at a vent near the top completed the structure. The interior was excavated for several inches, and the excess earth was piled around the outside base as a protective reenforcement. Isolation was attempted in wickiup arrangement, yet a tendency towards congregation by families was usual. This results in a scattered village of important biological aspects.

76. Dr. W. C. Borden, "Vital Statistics of an Apache Indian Community," *Boston Medical and Surgical Journal*, July 6, 1893, pp. 11-12; Dr. James Hoffman, "The Menomine Indians," *Fourteenth Annual Report of the Bureau of American Ethnology*, (Wash., 1896), p. 287.

77. Will C. Barnes to the writer, Aug. 6, 1935. Mr. Barnes was first stationed at Fort Apache in 1880. See also, Ales Hrdlicka, "Method of Preparing Tesvino among the White River Apaches," in *Amer. Anthropologist*, vol. vi, p. 191; Tussey, *op. cit.*, p. 15.

78. Goodwin, *loc. cit.*, p. 63.

Villages were generally composed of only a few huts; in seasons of plenty the number might reach a hundred.⁷⁹

The Apaches required few technological materials, but they made a variety of containers, utensils and implements of the correct type and design which met their indispensable needs. As basket makers the tribe reached a high stage of art with products which easily excelled those of all other Indians. No doubt this perfection was developed because the Apaches as nomads found the basket the most effective container for carrying their property.⁸⁰ Art was not reached in pottery making, probably because the vessels were designed for utility alone.⁸¹

The primitive Apache weapons were bows, arrows and lances. These arms were objects of much beauty and ingenuity. Catlin regarded the Apaches as unexcelled in the making of arrowheads.⁸² These were mounted on perfectly smooth and balanced cane shafts about three feet long. The bows used in shooting them were usually five feet in length. Bows and arrows were a necessity in Apache life and the braves were never without them even when armed with modern weapons. Skillful warriors used them with deadly effect, and for the picking off of unsuspecting victims they were superior to guns. In close quarters when other weapons failed or ammunition ran out, they were

79. White, *op. cit.*, p. 21; Ales Hrdlicka, "Notes On the San Carlos Apaches," in *Amer. Anthropologist*, vol. vii, pp. 482-483.

The Apache practice of burning the property and wickiup (frequently a village) of a tribesman who died, although done for superstitious reasons, was an excellent health measure. Unfortunately, it led to impoverishment, especially in reservation days. R. S. Gardner to Comm., Sept. 13, 1886, I. D., 5421. See also H. C. Yarrow, "The Mortuary Customs of the North American Indians," *First Annual Report of the Bureau of American Ethnology* (Wash., 1881), pp. 111-112. The writer as late as May 30, 1936, saw a fire near Fort Apache reported to come from a wickiup where an Apache had recently died.

80. A. B. Reagan, ms. no. 2847, B. E., pp. 61-66; K. T. Dodge, "White Mountain Baskets," in *Amer. Anthropologist*, vol. ii, p. 193. For a very detailed discussion, see Helen H. Roberts, "The Basketry of the San Carlos Apache," in *Anthropological Papers of the Museum of Natural History*, (New York, 1929), vol. xxxi, pt. ii, pp. 121-218.

81. Corbusier, "The Apache-Yumas and the Apache-Mohaves," *loc. cit.*, p. 9.

82. Catlin, *Last Rambles*, pp. 183-185. See also Gerald Fowke, "Stone Art," *Thirteenth Annual Report of the Bureau of American Ethnology*, (Wash., 1896), p. 196.

especially reliable. Poisoned arrows were frequently used in war.⁸³ The lance, also a thing of beauty, was made of the stalk of the aguave, reenforced at points of strain with intact pieces of skin peeled from a stag leg. A long knife blade of a bayonet inserted in the end completed the weapon. The total length of the lance was about fifteen feet.⁸⁴

Unlike the beauty and perfection demanded in their arms, the Apaches were satisfied with clothes of any variety, the more grotesque the better. Conventionality existed only in the design of the moccasins, the breechcloth of the men and the buckskin skirts of the women. The breechcloth was about two yards long. It passed between the legs and hung over the belt in front and behind, the rear part almost reaching the ground. A common buckskin skirt was composed of two buckskins hung over a belt, one in front and the other behind in the form of a kilt. The edges of the skirt were cut in deep fringe. The Apache moccasins were much like a boot. They reached nearly to the knees, and each was made of half a buckskin turned over in two or three folds, allowing them to be drawn up as a protection to the thighs; otherwise, the folds could be used as receptacles for implements, small arms and trinkets. The soles were made of undressed cowhide with the hairy side out, and the toes were turned up two inches to protect the feet when running. This particular type of moccasin was a direct response to an environment of poisonous reptiles and xerophytic vegetation.⁸⁵ Thus again is demonstrated that the Apaches in the world of material things were thorough students of adaptation. Yet in the organization of their society they were even more pragmatic.

The family was very important in Apache society, and

83. J. G. Bourke, "Notes on Apache Mythology," in *Jour. of Amer. Folk-Lore*, vol. iii, p. 210; *Pac. Railroad Reports*, vol. ii, pp. 97-99; White, *ms.* no. 179, B. E., p. 32.

84. Barnes to the writer, Aug. 6, 1935. One of Geronimo's braves at Fort Bowie, Arizona, gave Mr. Barnes a beautiful lance in September, 1886. This was at the time the renegades were being exiled to Florida.

85. Gen. O. O. Howard, in *Washington Morning Post*, Nov. 10, 1872; Schoolcraft, *op. cit.*, p. 211; Corbusier, *loc. cit.*, pp. 6-7.

marriage occurred at an early age. The debut of an Apache girl took place during the second year of puberty; after this she was deemed marriageable. Usually, girls were permitted to select their husbands, but the men made the initial advances. When a suitor felt that he was sufficiently esteemed he staked his horse in front of his love's abode and awaited the issue. If she cared for his horse within four days, the marriage was consummated. Among some bands a warrior not only had to show his ability to make a living before marriage, but he also had to build a domicile in advance. The girl then occupied it with him for four nights without being molested or having her presence observed. If she prepared his breakfast on the fourth morning, she became his wife. They then returned to the village where the bride's romance turned to a life of toil and slavish suffering, typical of an Apache wife.⁸⁶

Polygamy was the marital law, but there were restrictions. Individuals had to be members of different clans and the children followed the mother's clan. A man had to marry his unmarried sisters-in-law as fast as they grew to maturity. He also had to marry his brother's widows one year after his brother's demise. However, other members of his clan could marry the widows, for clan members were all considered brothers. This complicated arrangement was obviously designed to promote household felicity. Naturally, a man married no more wives than he could support. Divorce was easy but not abused. No Apache would speak to his mother-in-law and he apparently never looked at her; she, in turn, reciprocated his courtesy.⁸⁷

Woman's influence in Apache society was great. A warrior's standing was determined by the esteem the women held for him as a brave man and a dexterous thief. And a

86. Cremony, *op. cit.*, pp. 245-249; Farish, vol. vii, p. 10; Curtis, *op. cit.*, p. 133. Brides were paid for in horses. The families charged according to their estimation of the services lost. Hrdlicka, *Physiological and Medical Observations*, p. 48.

87. Capt. A. R. Chaffee to Comm., Oct. 8, 1879, I. O., C 1035; Goddard, *Indians of the Southwest*, *loc. cit.*, p. 161; Bourke, "Notes upon the Gentile Organization," *loc. cit.*, p. 118.

great thief stood high, for he could support many wives comfortably. A definite division of labor existed between the sexes, but the women were the mainstays in the Apache economy so far as everyday life was concerned.⁸⁸

The Apaches welcomed the birth of children and their training, particularly that of the boys, began early. Their education was mainly physical with the prime objective of making them able, strong and fearless. Self reliance and judgment were induced by the elders who gravely consulted the boys as if they were men. The girls' training was equally thorough, although their instruction was largely of a domestic nature.⁸⁹

A discussion of the Apache political organization, their government and their laws is very difficult. Bourke and Cremony, themselves, appear to have had only a modicum of knowledge on the subject. Before the time of Anglo-American intrusion, all united tribal governmental organizations had disintegrated, and even the traditions of the Apaches were vague about this matter. The whites found the several divisions of the tribe broken up into still more numerous bands, each one independent of the other. The bands were held together in close relationship by speech and custom, but not in political unity. They occasionally united under a capable leader against a common enemy; then they dissolved with equal facility when the danger was removed.⁹⁰

The strongest uniting factor in the bands and tribal groups was clan and blood relationship. Bourke found thirty-four Apache clans, and learned that some of them showed a strong correlation with sedentary neighbors whom they had conquered in the past. The clans were exogamous only for regulating marriage and descent in the female

88. Corbusier, *loc. cit.*, pp. 15-16; Goodwin, *loc. cit.*, p. 58.

89. *Geronimo's Story*, p. 186; White, *ms*, no. 179, B. E., pp. 39-40; Hrdlicka, "Notes on the San Carlos Apache," *loc. cit.*, pp. 491-492.

90. Clark Wissler, "The Apache Indian," in *The Target*, vol. lxxxiii, p. 5; Goddard, *loc. cit.*, p. 163.

line.⁹¹ They were named after the peculiarities of their own habitat such as topographical or locational features rather than animals. Some were also given the names of places where certain plants grew. Members of a clan camped together, united in war and exacted justice. Obligations were only binding on clan relatives, but this "far flung web of interrelational obligations" was a strong cohesive force among all the Western Apache groups.⁹²

The bands were broken up into local groups each one possessing a distinct territory. Thus, the local groups became the bases for the Apache social and political organization. A typical local group was composed of nine to thirty wickiups, owned by three to six family groups, and these, in turn, were composed of from three to eight households. The family group members were usually within the limit of second maternal cousins, although relatives by marriage were also included.⁹³

Tradition indicates the probability in primitive times of great Apache headchiefs. In historic times, however, chiefs ruled over clans and local groups. They not only settled disputes, directed hunting, farming, war, raiding parties, medicine dances and diplomacy, but also promoted coöperation among the bands. Generally elected for life, they led because of prestige and good example, losing the office if their leadership was not sustained. Hereditary succession was common among some bands. The chiefs also chose the captains or headmen who ruled over local groups of only a few rancherias. The headmen were the same as chiefs in their respective spheres, and from their number new chiefs were chosen. War chiefs, sometimes selected when several tribal divisions united against an enemy, frequently held their positions for long periods.⁹⁴

91. Bourke, *loc. cit.*, pp. 111-114. Exogamy was likely developed to provide more women workers and to furnish interpreters and spies from other groups. *Ibid.*, p. 120.

92. *Ibid.*, pp. 115, 118; Goodwin, *loc. cit.*, p. 58. For a technical account of the clan, see *Handbook*, pt. i, pp. 303-305.

93. Goodwin, *loc. cit.*, pp. 55-57.

94. Dr. Michael Steck to W. P. Dole, Sept. 19, 1863, 38 Cong., 1 Sess., *H. E. D.* no. 1, vol. iii, p. 63; Higgins, *ms.* no. 180, B. E., pp. 11-13; Reagan, *op. cit.*, p. 45. *Geronimo's Story*, p. 35, footnote no. 1 p. 114, L. Farrand, *Basis of American History*, Amer. Nation Series (New York, 1904), chap. xiii.

The warriors stood next to the chiefs in importance. Their training was very rigorous and they seldom attained the coveted rank until they were seventeen. A young man must have accompanied a war party four times in the capacity of a servant. If his conduct was creditable, the council made him a warrior of the lowest rank; if not, he had to await invitation. From this rank he arose by his own prowess, for the council never voted on a warrior again except to make him a chief. Old men did not lead in battle, but their advice was always respected.⁹⁵

The Apaches developed ideas of justice much in contrast to those of civilized peoples. Murderers in primitive days were so declared by the tribal council. The next of kin to the murdered person could then challenge the criminal to a duel. The entire village witnessed the affray and the outcome was binding. If a close relative refused to challenge, some other warrior relative could seek retribution. Not infrequently, the friends of an innocent victim killed a cold-blooded murderer. Such reprisal usually resulted in a destructive factional fight which was finally settled by a payment of horses to the most injured group. Criminals were often banished in such a manner that they could not join other tribes. If they afterward banded together in too strong numbers they were exterminated.⁹⁶

Trials by jury were also held. Aggrieved individuals who did not wish to settle a difficulty personally could complain to the chief; and occasionally the band made investigations and placed charges. The chief, if the case were serious, then called in two or three prominent men to sit with him. In case of conviction the plaintiff fixed the penalty, subject to the confirmation of the chief and his associates.⁹⁷

95. *Geronimo's Story*, pp. 37, 189-190. The organization of an ordinary war party was a simple matter. Some chief or a rising young warrior arranged a war dance. A circle was marked off in such a manner as to indicate the number desired, the distance to be travelled and when they would leave. The warriors wishing to participate entered the circle and chanted in unison. The medicine men accompanied the party to advise and incite them to deeds of valor, but they did not fight. Higgins, *op. cit.*, p. 15; Corbusier, *loc. cit.*, p. 17.

96. Crook to A. G., April 12, 1884, A. G. O., 1818; Capt. Emmett Crawford to A. A. G., Mar. 30, 1884, *ibid.*; Cremony, *op. cit.*, p. 293.

97. *Geronimo's Story*, pp. 185-186.

No individuals exercised greater influence among the Apaches than the medicine men. They wielded great power in all phases of life. Their cult was usually composed of men of superior ability—crafty, scheming and political. Their special powers and knowledge were supposed to have been received in dreams or in connection with some notable event in their lives; and they were credited as worthy on demonstration of their ability to cure.⁹⁸

The medicine men possessed no systemized body of knowledge, but used individual mystic rites and weird ceremonies. Specialization also flourished to a considerable degree. With their methods, designed to excite the patient's imagination, they effected cures by driving the evil spirits away. Failures in practice were attributed to certain witches—usually enemies or old women—and sometimes the sacrifice of these offenders as an appeasement to the evil spirits was demanded and secured. Naturally, such a system engendered many inter-tribal schisms and much widespread violence.⁹⁹

The medicine men in addition to their strictly medicinal ritualistic work, conducted all the important ceremonials pertaining to Apache customs and traditions. These rites are without the scope of this study, but they were undoubtedly a powerful impediment to the government's subjugation and control program. Nevertheless, Hrdlicka decided that the common sense of the Apaches left them

98. Hrdlicka, *Physiological and Medical Observations*, p. 22 *et seq.* Corbusier gives a very beautiful legend describing how medicine men received their supernatural powers. Corbusier, *loc. cit.*, pp. 18-19. Some untraditional views are given in M. E. Opler, "The Concept of Supernatural Powers among the Chiricahua and Mescalero Apaches," in *Amer. Anthropologist*, vol. xxxvii, pp. 65-70.

99. Capt. F. E. Pierce to Comm., Sept. 1, 1836, I. O., 27248. For an exhaustive study of the medicine man, see J. G. Bourke, "The Medicine-man of the Apaches," *Ninth Annual Report of the Bureau of American Ethnology* (Wash., 1892), pp. 443-595. See A. B. Reagan, "The Apache Medicine Ceremonies Performed over the Daughter of C 30," in *Proceedings of the Indian Academy of Sciences* (Indpls., 1904), pp. 275-285 for a detailed case of "medicine."

Medical practices with a scientific basis were not restricted to the medicine men. A discussion of the practices is given by E. Andrews, "Military Surgery among the Apaches," in *Chicago Medical Examiner*, 1869, vol. x, pp. 599-601.

“less hampered in making progress by aboriginal traditions, beliefs and observances than other Southwestern Indians.”¹⁰⁰

100. Hrdlicka, “Notes on the San Carlos Apaches,” *loc. cit.*, p. 505.

CHAPTER II

A CLASH AND A PROBLEM

THE SPANISH, in their imperious conquest of the North American aborigines, encountered little opposition from the sedentary Pueblo tribes along the Rio Grande del Norte, as they extended their elongated northern frontier to the very heart of the continent. With equal ease they extended their sway over the docile California tribes as far north as San Francisco Bay. But forming a great human wedge between these conquered peoples, the Apache groups presented a formidable obstacle to exploration and conquest and constituted a serious threat to the Spanish settlements for several hundred miles south of the Rio Gila.¹

The territory which lay between the two prongs of the Spanish frontier remained essentially a *terra incognita* until Padre Kino, from 1687-1711, pushed civilization northward into what later became the Gadsden Purchase.² By 1750, the San Pedro and Santa Cruz valleys of the present southern Arizona were in a marked state of prosperity, but the persistent attacks of the Apaches and the peculation of the Spanish officialdom completely reversed the situation during the next thirty-six years.³ In fact, enough of the region had been abandoned⁴ to create fear that there might be a sharp regression of the northern Spanish frontier contiguous to Apachería. As a consequence, General Ugarte in 1786 by order of the viceroy, introduced some radical changes in Indian policy whereby the Apaches by force of arms were to be compelled to make treaties with the Spanish.

1. Rufus K. Wyllys, *Pioneer Padre: The Life and Times of Eusebio Francisco Kino* (Dallas, 1935), pp. 53-55, 196; C. E. Chapman, *The Founding of Spanish California* (New York, 1916), p. 66; H. E. Bolton, *Rim of Christendom: A Biography of Eusebio Francisco Kino, Pacific Coast Pioneer* (New York, 1936), p. 241 *et seq.*

2. *Ibid.*

3. J. B. Salpointe, *Soldiers of the Cross* (Banning, Calif., 1898), p. 134; R. J. Hinton, *A Handbook to Arizona* (New York, 1875), p. 72; Patrick Hamilton, *The Resources of Arizona*, p. 19.

4. See the letter dated November 24, 1777, from Manuel Barragua of Tubac to Allande y Savedra, commandant of the Presidio of Tucson (*Pac. Railroad Reports*, vol. vii, appendix C, pp. 29-30), for a vivid account of the Apache inroads.

When a peace basis should be achieved, the reduced Indians were to be closely watched, kindly treated, furnished supplies, encouraged to settle near the presidios, taught to drink intoxicants and to be made dependent upon Spanish friendship for their needs.⁵

There are few details regarding the working of the policy during the next twenty-five years, but the slight indication of devastations argues that the government at an expenditure of \$18,000 to \$30,000 a year must have had unusual success. At least, Sonoran establishments had their nearest approximation to prosperity during this period.⁶

The chaotic conditions in New Spain after 1811, resulted in a complete breakdown of the Apache policy, and the factional struggles of Mexican politicians after the Revolution prevented even the regaining of a semblance of control. Don Ignacio Zúñiga, commander of the northern frontier presidios estimated that from 1820-1835, 5000 Mexicans were killed, 100 settlements destroyed and about 4000 settlers forced to leave the region. With the exception of the garrisoned towns of Tucson and Tubac, the remaining parts of northern Sonora had become *ranchos despo-blados*.⁷ And by 1848, even the important town of Fronteras was in the hands of the savages.⁸ Such were the conditions when by the treaty of Guadalupe Hidalgo,⁹ ratified on May

5. Bancroft, *Arizona and New Mexico*, pp. 378-379.

6. *Ibid.*

7. Farish, vol. i, pp. 78-79; Alphonse Pinart, "Voyage en Sonora" in the *Bulletin de la Société de Géographie* (Paris, 1880), vol. xx, p. 208 *et seq.* Pinart, a famous French savant, did much scientific work in Northern Mexico during the 1870's under the auspices of the Société de Géographie. See also, his "Voyage dans l'Arizona," *Extrait du Bulletin de la Société de Géographie*, Mars. 1877.

8. Bartlett, *Personal Recollections*, vol. i, pp. 262-269.

9. Wm. M. Malloy, *Treaties, Conventions, International Acts, Protocols and Agreements between the United States of America and Other Powers, 1776-1909*. (Washington, 1910), vol. i, pp. 1107-1121.

Under the 11th article of the treaty the United States agreed to (1) restrain Indian raids into Mexico, and to exact satisfaction when they should occur; (2) to make it illegal to own captives or property taken from Mexico by Indians; (3) rescue and deliver up all Mexican captives, and (4) bear in mind the security of the Mexican frontier in laws governing Indian removals. *Ibid.*, pp. 1112-1113. J. Fred Rippy, *The United States and Mexico* (New York, 1926), p. 68; James M. Callahan, *American Foreign Policy in Mexican Relations* (New York, 1932), pp. 209, 215.

30, 1848, Mexico was forced to cede New Mexico and California to the United States.

At the time of the treaty, the Southwest was fairly well known to the Americans. The opening of the Santa Fé Trail in 1822 made Santa Fé the mart for the exchange of all the products of New Mexico, northern Mexico and a part of California; consequently, American adventurers and trappers had penetrated into every section of the region. Led by such bold spirits as Antoine Leroux, Sylvester and James Pattie, Bill Williams,¹⁰ Felix Aubrey, Pauline Weaver and Kit Carson, the intruders from the East soon gave the Apache tribal councils cause to question the desirability of friendship with the aggressive Anglo-Americans.¹¹

Although the more aggressive chiefs began to rise in influence, it is probable the proponents of peace would have triumphed, had not certain unscrupulous Americans become tools of the Sonoran and Chihuahuan governments in treacherous attempts to exterminate some of the Apache bands near the Santa Rita Mines.¹²

These events of 1838 resulted in the Mimbrenos making the able and warlike Mangas Coloradas their chief. He immediately settled the factional disputes among his bands, cleared southwestern New Mexico of Mexicans, and made his region so formidable that American trappers ventured

10. For the work of the Patties, see Timothy Flint, *The Personal Narrative of James O. Pattie*, in Thwaites, *Early Western Travels*, vol. xviii (Cleveland, 1905). Bill Williams' career is adequately covered in Alpheus H. Favour, *Old Bill Williams, Mountain Man*, (Chapel Hill), 1936.

11. Edwin L. Sabin, *Kit Carson Days, 1809-1869* (New York, 1935), vol. i, pp. 43-44; Frank C. Lockwood, *Pioneer Days in Arizona* (New York, 1932), pp. 67-70; Paul I. Wellman, *Death in the Desert* (New York, 1935), p. 5. See also, George F. Ruxton, *Life in the Far West* (New York, 1844), pp. 110-111. Ruxton's account of the killing of an Apache chief might be considered as a model of exaggeration by the early sensationalists.

12. Emory, *Notes of a Military Reconnaissance*, p. 71; Woodworth Clum, *Apache Agent*, pp. 5, *et seq.* See, Daniel W. Jones, *Forty Years among the Indians* (Salt Lake City, 1890), p. 367, for similar perfidious acts of the whites.

The Santa Rita Mines near the present Silver City, New Mexico, were opened in 1804. For over thirty years they supported a population of 600 people who carried on a keen trade with Mexican centers. In 1838 after the attempts at extermination, the Apaches forced the abandonment of the region. The mines were not reopened until 1850. Bartlett, *op. cit.*, pp. 227-228.

into it only with the greatest temerity. During the next eight years he cemented his position among the Apache groups by successful raids into Mexico and by the marriage of his three half-breed daughters to prominent chiefs of neighboring tribes.¹³

The Apaches might thus have remained undisturbed for many years had not the Mexican War sent troops through their range. Although they remained generally friendly during the time, intelligent military observers foresaw the task the government would have in reducing them to its control.¹⁴ Neither did the end of the war lessen the problem, for the Apaches in their belief that peace made legitimate their Mexican raids, merely increased them in frequency and daring. This convinced civil and military authorities that the government could never comply with its recent Mexican treaty obligations.¹⁵

Indeed, the Americans themselves were soon faced with direct hostilities. On February 2, 1850, a band of Gila Apaches in an attack on the town of Doña Ana, killed one man and wounded three. While Major Enoch Steen was after them in vigorous pursuit another band cleared the settlement of stock. The major at once advised the location of a post at Santa Rita to overawe the hostiles.¹⁶

Captain A. W. Bowman, who was sent to investigate the situation, reported that the Apaches faced by the failure of their game supply, said, "We must steal from somebody; and if you will not permit us to rob the Mexicans, we must steal from you, or fight you." He estimated that there were 1,100 warriors near the place who would have to be fed or

13. *Pac. Railroad Reports*, vol. iii, p. 80; Cremony, *Life among the Apaches*, pp. 30, 308.

14. *Journal of Capt. A. R. Johnson in Emory's Notes*, pp. 579, *et seq.*; Col. St. George Cooke to Gov. Don Manuel Gandara, Dec. 18, 1846, in *ibid.*, p. 563; R. B. Marcy, *Report* (on the route from Fort Smith to Santa Fe) 1849: in 31 Cong., 1 sess., *S. E. D.*, no. 64, p. 197.

15. Gen. Persifor F. Smith to A. A. G., May 25, 1850, 31 Cong., 2 sess., *S. E. D.* no. 1, vol. i, p. 77; *Annual Rept. of Gen. T. S. Jesup*, Nov. 20, 1850, *ibid.*, p. 123; 31 Cong., 1 sess., *H. E. D.* no. 17, pp. 191 *et seq.*

16. See letters of Steen to A. A. G., Feb. 5, and Mar. 24, 1850, in 31 Cong., 2 sess., *S. E. D.* no. 1, vol. i, pp. 68-72.

exterminated. He insisted upon the establishment of a six-company post.¹⁷ Almost simultaneously the commissioner of Indian affairs suggested the appointment of an agent for the Southern Apaches.¹⁸ And during the fall, Secretary of War C. M. Conrad, informed President Fillmore that the prohibitive costs and the inadequacy of the army of 12,927 men made it expedient to settle the Apaches on reserves and induce them to start farming, rather than to subdue them by force.¹⁹

The first step taken was the establishment of Fort Webster at Santa Rita by Colonel John Munroe in command of the department of New Mexico. Depredations stopped, the mines were reopened and a Gila chief went to Santa Fé to see Superintendent Calhoun.²⁰ These results convinced the superintendent that the Gila Apaches could easily be controlled if Congress would do its part.²¹

The War Department acted first, however, by replacing Colonel Munroe with Colonel E. V. Sumner. He was instructed to cooperate with Calhoun, but to pursue an aggressive policy towards the Indians.²² Meanwhile, Calhoun prepared to go to Santa Rita to make a treaty. When he requested an escort Sumner violated his recent instructions of cooperation by a flat refusal; whereupon, Calhoun reported that Indian affairs would necessarily have to be neglected or conducted by the army.²³

During the summer the United States Boundary Commission headed by James R. Bartlett, spent several weeks near Santa Rita in close association with the Mimbrenos. At first the friendliness of the Indians and the frequent

17. Bowman to A. Quartermaster, April 21, 1850, 31 Cong., 2 sess., *S. E. D.* no. 1, vol. i, pp. 295-297.

18. Orlando Brown to Jas. S. Calhoun, April 24, 1850 in *Calhoun Correspondence*, pp. 192, 225.

19. 31 Cong., 2 sess., *H. E. D.* no. 1, vol. i, p. 1.

20. Munroe to Gen. R. Jones, Jan. 27, 1851, *Calhoun Correspondence*, p. 290.

21. Calhoun to Luke Lea, Feb. 16, 1851, *ibid.*, p. 293.

22. Conrad to Sumner, April 1, 1851, 32 Cong., 1 sess., *S. E. D.* no. 1, vol. i, p. 125.

23. Calhoun to Lea, July 30, 1851, *Calhoun Correspondence*, p. 394; same to same, Aug. 22, 1851, *ibid.*, p. 401.

visits of the chiefs convinced Bartlett that the tribe was eager for peace with the Americans; but it was evident to him that they would allow no interference with the captives or plunder taken by them on their Mexican raids.²⁴ Nevertheless, he did interfere, and notwithstanding military aid from Fort Webster, he lost so many animals and was so harried that he was practically forced out of the region afoot. Indeed, the military fared little better than he.²⁵ The Indians were now convinced that they had driven the whites away, and it is doubtful that any good would have resulted had an agent been attached to the commission as desired by Calhoun.²⁶

Apache relations were further complicated at the time by a rush of 150 desperate gold miners into a new field discovered at Pinos Altos, near Santa Rita. And when Mangas Coloradas sought to get them away by telling of bonanzas in remote Sonora, the miners severely flogged him to expose his ulterior motives. This was an evil day in Apache affairs. Not only was the chief's back scarred, but the wound to his pride was deeper and more permanent. From that moment on until he was killed during the Civil War, his desire for revenge against all whites was never satiated.²⁷ Numerous Apaches also suffered death at the hands of the miners, but the remissness of the civil authority in meting out severe punishment to the murderers, merely increased the tribe's hostility.²⁸

Neither were the relations improved by uncertainties

24. Bartlett, *Personal Recollections*, vol. i, pp. 300-302.

25. Geo. Gibbs *ms.* no. 1868, Bur. of Ethnology; Bartlett, *op. cit.*, p. 310 *et seq.*; *Report of Lt. J. D. Graham on Mexican Boundary Line with Bartlett*, 32 Cong., 1 sess., S. E. D. no. 121, pp. 25-26.

In 1864, Manuelito, a Navaho chief and son-in-law of Mangas Coloradas, revealed that the troops activities at Fort Webster, had prevented Mangas with the aid of 400 Navaho allies from exterminating the commission. Cremony, *Life among the Apaches*, p. 84.

For the famous case of Inez Gonzales, who was recovered by Bartlett and restored to her family in Sonora, see Bartlett, *op. cit.*, pp. 306-309.

26. Wellman, *Death in the Desert*, p. 54; Calhoun to Lea, Aug. 31, 1851, *Calhoun Correspondence*, p. 415.

27. Clum, *Apache Agent*, pp. 31-32; Wellman, *op. cit.*, pp. 56-57.

28. Sumner to Jones, Feb. 3, 1852, *Calhoun Correspondence*, p. 479.

which appear to have developed in connection with the establishment of Fort Webster. Apparently the post was intended as a temporary one to furnish protection to the boundary commission; therefore, when the commission moved away, the troops evacuated at once, and in undue haste perhaps, because of a threatened alliance between the Apaches and the Navahos.²⁹ This action, of course, augmented the hostiles' courage, as it did their numbers, for many Mexican Apaches now immigrated into the Gila country to take advantage of the immunities afforded by the new boundary line.³⁰

Regardless of causes, the Apaches became so aggressive in early 1852, that they practically held the country to the east and the west of the Rio Grande Valley. Not only this, but also in their raids (which the United States had pledged herself to stop), they were practically driving civilization from northern Mexico. In that part of Mexico, which was soon to be known as the Gadsden Purchase, travellers and adventures found the region a land of widows,³¹ in which all agricultural activity had stopped, and where in the eastern part, even pastoral activities were carried on under the protection of field pieces.³² In the western part Tucson and Tubac with a combined population of 1,009, maintained a most precarious hold.³³

Bartlett was now convinced the United States could not stop the raids until the savages were forced to give up their predatory habits; and Lieutenant A. W. Whipple, more realistically, recommended four permanent posts for their

29. Chas. Overman to Calhoun, Aug. 31, 1851, *ibid.*, p. 420; Sumner to Jones, Jan. 1, 1852, *ibid.*, p. 433.

30. Gen. E. A. Hitchcock to Secty. of War, Oct. 28, 1851, 32 Cong., 2 sess., S. E. D. no. 1, vol. ii, p. 29.

31. Captain M. J. Box, *Captain J. Box's Adventures and Explorations in New and Old Mexico*, (New York, 1869), pp. 26-28. This unusual volume was found in the *Rare Book Collection* of the Library of Congress.

32. Julius Froebel, *Seven Years*, p. 397. See also chaps. xi, xii and xiii.

Wislizenus, a few years earlier, predicted the Mexicans would become the vassals of the Apaches. Dr. A. Wislizenus, *Memoir of a Tour to Northern Mexico, connected with Colonel Doniphan's Expedition in 1846-47*, 30 Cong., 1 sess., S. M. D. no. 26, p. 26.

33. A. B. Gray to Robt. McClelland, May, 1853, 33 Cong., 2 sess., S. E. D. no. 55, vol. vii, p. 33.

control: one at the Copper Mines, one on the Rio Salinas, one at the mouth of Rio San Pedro and another on the Rio Colorado.³⁴ High officials, however, were apparently unwilling to undertake any comprehensive steps, but Calhoun, who had recently become governor of New Mexico, sent Charles Overman to make a treaty with the Gilas if the opportunity developed.³⁵ He also angled for the support of Secretary of State Webster, by declaring that a general Indian war threatened.³⁶

As the spring advanced the situation did become so menacing as to create a coöperative attitude on the part of Colonel Sumner, who now offered the governor one hundred stands of arms to equip a body of citizen militia.³⁷ But a dispute over deliverance of the arms, voided the effort, and the colonel decided to make a general campaign with the regular troops.³⁸ Before this could be done the general political situation in New Mexico became so threatening that the colonel modified his plans by appropriating those of Calhoun.³⁹

Meanwhile, Calhoun stricken by a fatal illness had left for the States.⁴⁰ In his place he left John Greiner as acting superintendent, and Greiner immediately arranged through runners to meet the Gila chiefs at the Acoma Pueblo for a peace powwow. Colonel Sumner, however, decided to conduct the negotiations himself, and after virtually forcing Greiner to accompany him, made a satisfactory treaty on July 21, for which Greiner claimed the main credit.⁴¹

34. Bartlett, vol. i, p. 406; vol. ii, p. 384 *et seq.*; Whipple to Graham, Jan. 10, 1852, 32 Cong., 1 sess.; *S. E. D.* no. 121, pp. 221-225.

35. Calhoun to Overman, Feb. 25, 1852, *Calhoun Correspondence*, p. 483.

36. Calhoun to Daniel Webster, Feb. 29, 1852, *ibid.*, pp. 485-486.

37. Sumner to Calhoun, Mar. 21, 1852, *ibid.*, p. 493.

38. Sumner to Calhoun, April 8, 1852, *ibid.*, p. 520.

39. Sumner to Secty. of War, May 27, 1852, 32 Cong., 2 sess., *H. E. D.* no. 1, pt. ii, p. 25.

40. He died on the plains near Independence, Mo., in late May. *Calhoun Correspondence*, p. 541.

41. Greiner to Lea, July 31, 1852, with all enclosures, *ibid.*, pp. 541-544. For the treaty, see Chas. J. Kappler, ed., *Indian Affairs, Laws and Treaties*, (Washington, 1904), vol. ii, pp. 598-600. Kappler gives July 1, as the date of the treaty. It was ratified by the Senate on Mar. 23, 1853. *U. S. R. S.*, vol. x, p. 979.

No efforts at civil control followed the treaty until the next April, when the new governor, W. C. Lane, made further treaties whereby the Indians were to receive corn, salt, beef and some breeding animals for the first year, and a reasonable amount of subsistence during the next three years. Without awaiting the senate's action, he collected a large number of Mimbrenos near Fort Webster, and advanced considerable funds. In August he was replaced by David Meriwether, who found the funds practically exhausted almost at the moment he learned the senate had refused ratification. As a consequence, the Indians were soon hungry, and thus infuriated by the bad faith of the whites, they subsisted themselves during the next year at the expense of the settlements which were reported to have suffered a loss of several lives and nearly \$100,000 worth of property.⁴²

In addition to the government's bad faith the Apache problem was intensified by the reestablishment of a garrison at Fort Webster, by the presence of numerous surveying and exploring parties in their country,⁴³ and by the increased immigration passing through the Southwest to the California gold fields.⁴⁴ In fact, the avalanche of immigration that poured through Apachería following the discovery of gold set up a chain of events that resulted in the Gadsden Purchase, ratified by Mexico and the United States on June 30, 1854.⁴⁵ Naturally, the government seized the oppor-

42. Meriwether to G. W. Manypenny, Sept. 1, 1854, 33 Cong., 2 sess., *S. E. D.* no. 1, vol. i, pp. 374-375.

43. Capt. L. Sitgreaves, "Report of an Expedition down the Zúñi and Colorado Rivers," 32 Cong., 2 sess., *S. E. D.* no. 59, p. 6, *et seq.*; *Report of U. S. and Mexican Boundary Survey*, vol. i, p. 51, *et seq.*; *Pac. Railroad Reports*, vol. ii, p. 14, vol. iii, pp. 80, 93, *passim*. See also Julius Froebel, *Seven Years*, p. 477.

44. Ralph P. Bieber, "The Southwestern Trails to California in 1849," in *Mississippi Valley Historical Review*, vol. xii, p. 360 *et seq.*; M. E. Martin, "California Emigrant Roads through Texas," in *Southwestern Historical Quarterly*, vol. xviii, p. 287 *et seq.*

45. Malloy, *Treaties*, vol. i, pp. 1121, *et seq.*; Paul N. Garber, *The Gadsden Treaty*, (Phila., 1923), p. 145. J. Fred Rippey, "The Negotiation of the Gadsden Treaty," *Southwestern Historical Quarterly*, vol. xxvii, pp. 1-26;—*The United States and Mexico*, pp. 126-167.

tunity to abrogate the impossible article xi⁴⁶ of the treaty of Guadalupe Hidalgo, but by acquiring more Apaches as well as more of the country over which they raided, its problem of control was vastly increased.⁴⁷

The magnitude of the increased problem apparently discouraged Governor Meriwether from attempting any immediate conciliatory gestures,⁴⁸ but Congress came to his aid on July 31 by appropriating \$30,000 for the purchase of goods, tools and presents to be used in making treaties with the hostile tribes.⁴⁹ Even with this encouragement Meriwether made no effort to make peace with the Gilas until the next summer, and then not until they had been thoroughly overawed by General Garland's severe handling of the Utes, Jicarillas and Mescaleros.⁵⁰ But at this propitious moment he had little difficulty in getting the chiefs to make a treaty, whereby the bands were to take up agriculture under the direction of a resident agent, Dr. Michael Steck.⁵¹

Doctor Steck, who was well known to the Gilas, went to their camping grounds at once, where he was welcomed with manifestations of friendship; but more important, he found them eager to start farming. As a consequence he put them to work, and to their credit they raised fair crops the first season. Spurred on by their success, they did much better the next year, producing in addition to their regular needs, half enough surplus in corn and vegetables to subsist themselves during 1857.⁵²

But while the Indians under the immediate supervision of the agent thus became quite tractable, certain bands of

46. Secretary of War Conrad gave much attention to this matter in his annual reports for 1851 and 1852. See 32 Cong., 1 sess., *H. E. D.* no. 2, vol. ii, pt. 1, and 32 Cong., 2 sess., *S. E. D.* no. 1, vol. ii, pp. 5, 23-26.

47. *Report of U. S. and Mexican Boundary Survey*, vol. i, p. 51 *et seq*; *Pac. Railroad Reports*, vol. ii, p. 13, *passim*.

48. Meriwether to Manypenny, Sept. 1, 1854, *op. cit.*, p. 373.

49. Manypenny to Meriwether, Mar. 16, 1855, 34 Cong., 1 sess., *S. E. D.* no. 1, vol. i, p. 526.

50. 34 Cong., 1 sess. *S. E. D.* no. 1, vol. ii, pp. 63-66, 71-72.

51. Meriwether to Manypenny, Sept. (?), 1855, 34 Cong., 1 sess. *H. E. D.* no. 1, vol. i, pp. 507-508. The treaty did not touch the Apache bands further west.

52. Same to same, Sept. 30, 1856, 34 Cong., 3 sess., *S. E. D.* no. 2, vol. v, p. 731.

related Mogollons farther to the west, incensed, no doubt, by the posting of troops in the Gadsden Purchase,⁵³ began marauding against the Rio Grande settlements. To end the raids Lieutenant Horace Randall with a strong command in November, pursued fifty of the raiders for over three hundred miles—well beyond the present Arizona line. Although a large number of stolen animals were recovered,⁵⁴ the pursuit merely demonstrated the futility of such tactics. Nevertheless, it led to the immediate establishment of Fort Buchanan in the very heart of the Gadsden Purchase.⁵⁵

Apparently the western bands became bolder in 1857, for they extended their murderous raids in all directions, especially southward into Mexico. From here after completely destroying many flourishing haciendas, they returned with numerous captives and great herds of stock.⁵⁶ But Colonel B. L. Bonneville in temporary command of the department, took no action until the Navaho agent, H. L. Dodge, was brutally murdered near Zuñi.⁵⁷ He then ordered Colonel Dixon S. Miles with a force of 400 men to crush the hostiles. Late in June, Miles moved quickly into an unknown country along the upper Gila, trapped a large band thirty-five miles from Mount Graham on the 27th, killed forty-two, captured thirty-six and destroyed much of their growing crops. Almost simultaneously Colonel W. W. Loring, detached to the north, struck another band at the Cañon de Los Muertos Carneros, where, in addition to killing seven more (including the notorious Cuchillo Negro), he seized several families along with over one thousand head of stock. In all, the expedition suffered only ten casualties.⁵⁸

Unfortunately, the expedition produced no permanent

53. The first troops sent to the region probably took post at Tucson, early in 1856. 34 Cong., 3 sess. *S. E. D.* no. 5, vol. iii, p. 3.

54. 35 Cong., 1 sess. *S. E. D.* no. 2, vol. ii, p. 52.

55. A. B. Bender, "Frontier Defense in the Territory of New Mexico, 1853-1861," in *New Mexico Historical Review*, vol. ix, p. 352.

56. Lt. Sylvester Mowry to J. W. Denver, Nov. 10, 1857, 35 Cong., 1 sess. *H. E. D.* no. 2, vol. ii, p. 586.

57. Steck to Denver, Aug. 7, 1857, *ibid.*, p. 577.

58. The numerous reports covering the expedition are given in, 35 Cong., 1 sess. *S. E. D.* no. 2, vol. ii, pp. 135-141.

effects; nevertheless, the crestfallen Mogollons did ask for a conference with Bonneville and Steck, to which the Pinal captains were also invited. In a talk lasting three days the Indians admitted their guilt, and three chiefs offered their lands in exchange for peace. This overture was refused, but Bonneville told them dire punishment would follow any further depredations.⁵⁹ Steck, however, gained some new views as a result of the conference, especially when he learned the expedition had frightened away his peaceable charges. As a consequence, he informed the commissioner of Indian affairs that in a region so poorly defended, and where the Indians must plunder to exist, a pacific policy characterized by a liberal distribution of subsistence was best if the Indian's methods of a century were to be radically changed.⁶⁰

Colonel James L. Collins, who had succeeded Meriwether as superintendent,⁶¹ pushed Steck's views even further when he informed Denver that ultimately the department would be forced to choose between a policy of peace and subsistence, or one of "total extermination."⁶² Declaring that a pacific policy was preferable, he constructively recommended the establishment of a reservation on the Gila at a point far removed from the settlements and vested interests. Here under the shadow of a large military post that would be necessitated, he believed the bands could easily be concentrated, fed and kept at peace.⁶³

With more of a material outlook, Lieutenant Sylvester Mowry insisted that the Indian policy should be shaped to bring a greater development of the Overland Route and the budding mining enterprises of the Gadsden Purchase. He

59. Steck to J. L. Collins, Sept. 4, 1857, 35 Cong., 1 sess. *H. E. D.* no. 2, vol. ii, pp. 580-583.

60. Steck to Denver, Aug. 7, 1857, *ibid.*, p. 577.

61. The offices of governor and superintendent were separated in 1857. R. E. Twitchell, *Leading Facts of New Mexican History* (Cedar Rapids, 1912), vol. ii, p. 314, footnote 241.

62. Collins to Denver, Aug. 7, 1857, 35 Cong., 1 sess. *H. E. D.* no. 2, vol. ii, pp. 579-580.

63. Same to same, Aug. 30, 1857, *ibid.*, p. 564.

preferred extermination, but suggested that a cavalry post near Tucson, one on the San Pedro and another above the Pima Villages, would keep the Indians hemmed in to the north of the Gila where they could do little damage.⁶⁴

Impressed with these suggestions, Secretary of War John B. Floyd enlarged upon them by recommending the establishment of a strong line of cavalry and infantry posts along the entire Indian frontier, close enough to the bands' habitat to prevent the sallying forth of raiding parties.⁶⁵ When Congress took no action the territorial legislature, at first disappointed, became desperate, and in the following February, sent in a petition requesting the removal of the wild tribes to some point north of the 34th parallel.⁶⁶ Again they were disappointed; but more to their dismay, the number of troops defending the southern settlements was sharply reduced.⁶⁷ In fact, General Garland himself somewhat dismayed by the activity of Land Office surveyors in the Indian country, in vain asked his superiors for instructions.⁶⁸

In contrast to the lethargy at Washington, Agent Steck on the headwaters of the Gila, continued his constructive control. Although the Gilas had suffered many injustices including numerous killings, they showed great restraint in allowing small parties of immigrants to travel unmolested through their country. Diseases contracted from the whites had reduced the warrior strength one-half, but this, no doubt, along with the pacific influence of Mangas Coloradas, was what caused them to center their attention on the cultivation of their 150 acres of corn. To Steck the only hope for their survival lay in the early establishment of a reservation far removed from the enervating influence of the

64. Mowry to Denver, Nov. 10, 1857, *ibid.*, pp. 587, 591. Mowry's ideas are closely akin to those formed by Lt. J. G. Parke on his survey through Apacheria in 1854. See *Pac. Railroad Reports*, vol. ii, p. 13; vol. vii, p. 35.

65. 35 Cong., 1 sess. *H. E. D.* no. 2, vol. ii, pp. 4-5.

66. 35 Cong., 1 sess. *S. M. D.* no. 208, pp. 1-2.

67. Gen. Garland to C. A. Hoppin, April 7, 1858, 35 Cong., 2 sess., *S. E. D.* no. 1, vol. ii, p. 293.

68. Garland to Army Headquarters, May 31, 1858, *ibid.*, p. 290.

whites.⁶⁹ In addition Steck, by unofficially cultivating the friendship of visiting White Mountains bands, also managed to exercise considerable restraint over the Apaches to the west. He even became sanguine enough to predict that a general council with the various bands would stop their raids into the Gadsden Purchase.⁷⁰

Concerned over these raids the Indian Office sent Special Agent George Bailey to study the situation. Without delay he reported that most of the raids did emanate from north of the Gila, and that the raiders on their return with their plunder from Mexico and the Gadsden Purchase, by necessity, had to follow the few water courses through the region; therefore, the location of a post at the mouth of the Aravaipa, one at the crossing of the San Pedro and one near the site of Fort Webster would solve the difficulty and be cheaper than depredation claims.⁷¹

The report immediately decided the Department of the Interior that a "decisive policy was necessary"; and President Buchanan seizing the opportunity, but with his vision more extended than to mere Indian control, suggested to Congress that the rapid development of the Gadsden Purchase demanded the location of some strong posts in Northern Mexico.⁷²

Alarmed at the probability of military control, the civil officials moved first by holding a conference in December with the Chiricahuas near Apache Pass. Steck easily exacted their promise not to molest immigration along the Overland Route; but he reported that the situation would be more secure if they were removed further north.⁷³ In the following February, he also counseled at Cañon del Oro with 300 Pinal chiefs and warriors, reported as representing 3000 Indians. Although the Indians readily promised peace,

69. Steck to Collins, Aug. 10, 1858, 35 Cong., 2 sess. *H. E. D.* no. 2, vol. ii, pp. 548-551.

70. *Ibid.*, p. 550.

71. Bailey to C. E. Mix, Nov. 4, 1858, *Ibid.*, p. 558.

72. James D. Richardson, *A Compilation of the Messages and Papers of the Presidents*, (Washington, 1896-1899), vol. iv, p. 3045.

73. Steck to Collins, Aug. 12, 1859, 36 Cong., 1 sess. *S. E. D.* no. 2, vol. i, p. 714.

most of the settlers thought severe punishment alone would make the peace real.⁷⁴

In order to ascertain the true condition of the region, Colonel Bonneville in the early summer made an extended inspection of the Apache country. Near Santa Rita he found the Mimbrenos quite tractable, but taking Dr. Steck's advice, he ordered the establishment of a post as a protection to the miners. Further to the west, the Chiricahuas outside of numerous thefts of stock which they declared they had mistaken for Mexican animals, were keeping the peace. But Bonneville saw at a glance that protection was necessary for the development of the San Pedro and Santa Cruz valleys. He therefore recommended the establishment of a two-company post in the "Tucson Mountains," and another of equal strength on the San Pedro.⁷⁵

Before action could be taken, however, the savages in a sharp attack on the Patagonia mines killed a prominent citizen. This proved that the peace was unreal; but the military from fear of retaliations along the immigrant route remained quiet, and asked the department commander, Colonel T. T. Fauntleroy, for instructions.⁷⁶

In contrast to the erratic Chiricahuas, the Mimbrenos and Mogollons under Dr. Steck were causing the government little worry. As disease and vice decimated their ranks (their warrior strength had decreased from 400 to 150) they became more sedentary, and they were now growing crops for a distance of three miles along the Santa Lucia River. Trouble was caused by their use of Mexican liquor, but instead of depredating on the Americans, they raided into Mexico for their plunder and animals. If a reservation could not be given them, Steck reported the only other alternative was to force them north of the Gila.⁷⁷

74. *Ibid.*

75. Bonneville to A. A. G., July 15, 1859, 36 Cong., 1 sess. *S. E. D.* no. 2, vol. ii, pp. 306, 309; A. B. Bender, *op. cit.* p. 367. Fort Breckenridge was established at the junction of the San Pedro and the Arivaipa late in the year.

76. Lt. I. V. Reed to A. G., Aug. 3, 1859, *ibid.*, pp. 323-325.

77. Steck to Collins, Aug. 12, 1859, *op. cit.*, p. 713.

While the military was awaiting instructions, Steck made further efforts to forestall punitive action against the western bands. On October 29 he gave presents to 800 Indians assembled in the Burro Mountains. He then met 400 of the Chiricahuas on the San Simón, where, despite the military's criticism of his treating with perfidious Indians, he again exacted Cochise's promise to refrain from hostilities. After concluding that the Chiricahuas should be united with the Mimbrenos,⁷⁸ he counceled an assemblage of 2,500 others, mostly Coyoterös, at Pueblo Viejo, near the present Safford, Arizona. Their advanced state of agriculture impressed him so much that he immediately reported they could be made wholly self-supporting if given tools, put on a reservation and compelled to remain there.⁷⁹ But the presence of some 200 hostile Pinals gave him certain misgivings regarding the whole situation. Indeed, he decided the available military force in the territory was insufficient to overawe the 2,500 Indians found north of the Gila. He therefore asked that the commanding general be told of the situation with a view to the establishment of a strong post in the region. Yet he advised against any extended scouts, reasoning that they would merely result in terrible retaliations against the settlements.⁸⁰

The department commander Colonel T. T. Fauntleroy took a more aggressive view; consequently, Colonel I. V. Reeve from his depot on the San Pedro in late November, pushed with nearly 200 men into the Pinal country. He chased the Indians for 350 miles, lost most of his mounts, and upon his return to his base, reported that troops to operate successfully against hostiles needed to be stationed directly in the Indian country rather than out.⁸¹

78. Steck to Collins, Nov. 25, 1859, I. O., *N. Mex.*, C 288.

79. *Ibid.*

80. Steck to Collins, Nov. 30, 1859, *ibid.* In the earlier files a bundle of letters was often given a single file number.

81. Reeve to Lt. J. D. Wilkins, Nov. 27, 1859, 36 Cong., 1 sess. *H. E. D.* no. 69, p. 19-22.

Disregarding the fact that Reeve killed eight and captured twenty-three of the Pinals as well as 111 of their animals, Colonel Fauntleroy showed his ignorance of the problem by branding Reeve's expedition an "entire and utter failure." *Ibid.*, pp. 24-26.

Reeve's expedition apparently ended all official contact with the Apaches for several months.⁸² In the following September, however, Superintendent Collins without stating how, and without any consideration of the frontiersmen's attitude, suddenly presented Commissioner Greenwood with an idealistic program that would end all the Apache troubles by the reduction of the various bands to the Pueblo system.⁸³ What might have followed the proposal can only be conjectured, but immediate developments in the Chiricahua country near Apache Pass, made it obvious that Collins was visionary.

Cochise and his tribe at this time lived near the pass where, in the most friendly manner he fulfilled a wood contract held with a Mr. Wallace, the Butterfield Stage Line agent. He also afforded the stages operating through the region complete protection.⁸⁴ Everything was harmonious until in October when troops from Fort Buchanan came to the pass on the hunt for a band of raiders who had been marauding on the Sonoita. Although the culprits were probably Pinals, Lieutenant G. N. Bascom in command, treacherously arrested Cochise and four of his leading men.⁸⁵ Cochise soon made his escape and wishing to guarantee the lives of his men, captured Wallace and two other whites whom he held as hostages. When Bascom refused a proposal of exchange, Cochise immediately killed his prisoners; whereupon, Bascom retaliated by hanging the Indian captives.⁸⁶

Cochise then exacted terrible revenge along the Over-

82. The approach of the Civil War evidently stopped most of the federal activity. Not a single letter from Dr. Steck was found in the 1860 file.

83. Collins to Greenwood, Sept. 24, 1860, 36 Cong., 2 sess., *S. E. D.* no. 1, vol. i, p. 385.

84. Wellman, *Death in the Desert*, pp. 59-60; Clum, *Apache Agent*, pp. 33-34.

85. Higgins says the Indians had eaten the animals stolen, but that Cochise agreed to replace them with animals to be gotten from Mexico. N. S. Higgins, *ms.* no. 180, Bur. of Ethnology, p. 21.

86. Poston to C. E. Cooley, May 17, 1866, I. O., P 132; Accounts of this episode vary greatly. Wellman, *op. cit.*, p. 60 *et seq.*, refers to Gen. B. J. D. Irvin's article "The Apache Pass Fight" in *The Infantry Journal*, April, 1928. Lockwood, *op. cit.*, pp. 161-163, also refers to Irvin's article. See *Farish*, vol. ii, p. 30 *et seq.*

land Route,⁸⁷ and late in the year Commissioner C. E. Mix sent Special Agent M. T. McMahon to study the situation. McMahon was a realist, seeing at a glance that the only solution to the problem lay in the control of all the Apaches rather than in the Chiricahuas alone. He therefore recommended their severe punishment, and, as an added link in the cordon of protection along the Apache frontier, the location of a new post at the great bend of the Gila.⁸⁸

The outbreak of the Civil War and the withdrawal of all troops from the Apache country⁸⁹ prevented any trial of the plan; indeed, the ingress of Confederate troops in 1861-1862, and their elimination of the few federal Indian officials, left the savages unrestrained in ravishing the settlements.⁹⁰ With the exception of Tucson which sank to a mere village of 200 people, every enterprise or town in Arizona was either abandoned or completely destroyed.⁹¹

Conditions became equally chaotic in southern New Mexico. After killing most of the isolated settlers, Mangas Coloradas in September made a concentrated attack on Pinos Altos. Although he failed to take the town, his further killings and devastations soon forced the abandonment of the Mimbres Valley settlements. With affairs thus obviously beyond the control of the regular officials, Superintendent Collins asked for federal military control.⁹²

Early in 1862 the government decided to reassert its authority in the region, and a California regiment—the California Volunteers—commanded by General J. H. Carleton, was ordered to the Rio Grande.⁹³ No difficulties were

87. Within sixty days 150 Americans had been killed. Poston to Cooley, May 17, 1866, *op. cit.* Farish says "Bascom's stupidity" probably cost 5000 American lives and several hundred thousand dollars worth of property. *Farish*, vol. ii, pp. 32-33.

88. McMahon to Mix, Dec. 15, 1860, *I. D.*, M 416.

89. Lockwood, *op. cit.*, p. 86.

90. Collins to W. P. Dole, Oct. 8, 1861, 37 Cong., 2 sess., *S. E. D.* no. 1, vol. i, pp. 732-733; Steck to Dole, Aug. 1, 1863, *I. O.*, S 129.

91. Cozzens, *The Marvellous Country*, p. 167; Hamilton, *Resources*, p. 23.

92. Collins to C. B. Smith, Nov. 27, 1861, 37 Cong., 2 sess., *S. E. D.* no. 1, vol. i, p. 636.

93. Capt. G. H. Pettis, *The California Column*, (Santa Fé, 1908), pp. 1-45; *Arizona Historical Review*, vol. i, p. 88.

encountered until certain advance contingents under Captains Thomas Roberts and John C. Cremony reached Apache Pass, but here to their surprise, they were forced to fight Cochise and Mangas Coloradas a severe fight before the pass could be negotiated.⁹⁴ With its strategical importance thus demonstrated General Carleton upon his arrival a few days later, made the possession of the pass permanent by establishing Fort Bowie at its base.⁹⁵ He then moved on unopposed to Santa Fé, where he issued orders inaugurating a war of extermination against the Apaches.⁹⁶

At this juncture Commissioner W. P. Dole insisted that the scarcity of game necessitated depredations on the part of the Apaches and that for this reason Carleton's policy was unwise. He suggested as an alternative, a reservation, subsistence and instruction.⁹⁷ Nevertheless, the general showed his determination to carry his policy through by investing the Pinos Altos region with troops centered at a new post called Fort West. The troops then struck with vigor, killing Mangas Coloradas⁹⁸ and a great number of his braves during the next few weeks. By 1864 the Mimbrenño was reduced to one of the least formidable among the Apache bands.⁹⁹

Naturally, sharp opposition developed against a continuation of Carleton's ruthless measures. Humanitarians in arguing for treaties insisted that if depredation claims were paid out of annual funds that would be allowed the band, a great saving would result in the annual expenditure of \$7,500,000 required for maintenance of the military in New Mexico. They even argued that by paying each In-

94. Cremony, *Life among the Apaches*, 158-166. Mangas Coloradas received a dangerous wound during the fight. See Wellman, *op. cit.*, pp. 79-80.

95. *Executive Message of Acting Gov. W. F. Army*, Dec. 2, 1862, I. O., New Mex., K 7.

96. Carleton to Col. J. R. West, Oct. 11, 1862, 39 Cong., 2 sess., *S. R.* no. 156, p. 99. This valuable document contains all the important correspondence on Indian affairs found in the *Rebellion Records*. It will be cited hereafter as *S. R.* no. 156.

97. Dole to Smith, Nov. 26, 1862, 37 Cong., 3 sess., *H. E. D.* no. 1, vol. ii, pp. 188-189.

98. For an extended account of the chief's work, see Cremony, *op. cit.*, pp. 176 *et seq.*

99. Carleton to S. J. Jones, April 27, 1862, *S. R.* no. 156, p. 109.

dian a considerable sum each year, the annual military expense could be halved.¹⁰⁰ And when the proponents of extermination contrasted Carleton's work with that of Steck in a light highly favorable to Carleton, Steck and his friends insisted that at one-twentieth of the military cost they could achieve results far more fundamental to the permanent peace of the territory.¹⁰¹

But the extermination policy was to receive no check, for the discovery of gold deposits at a point soon to be known as Prescott, and the creation of Arizona territory in February, 1863, created further need for aggressive action against the Apaches.¹⁰² A rush of several thousand miners and ranchers to the new diggings led to the location of Fort Whipple in the Chino Valley on December 23.¹⁰³ Major Edward Willis, the commandant, immediately made a peacable agreement with a local band of three hundred Apaches who lived to the northeast. Unfortunately, he had already warned the approaching territorial officers of Indian dangers; therefore, when they inadvertently met the peacable band a few days later, their escort made an attack and slew twenty of the bewildered savages. This act of treachery put all the bands of central Arizona on the warpath.¹⁰⁴

Charles D. Poston, the new superintendent of Indian affairs, called at once for added protection,¹⁰⁵ and J. Ross Browne, a special official of the Department of the Interior, in pointing out that the 150 soldiers at Tucson were insufficient to protect their horses, prophetically estimated that it would require 3,000 men to protect the immigration that would flow to the gold region.¹⁰⁶ The first territorial legislative assembly went even further in support of the extermination

100. J. G. Knapp to Comm., Jan. 24, 1863, I. O., New Mex., K. 11.

101. Steck to Dole, Sept. 19, 1863, 38 Cong., 1 sess., H. E. D. no. 1, vol. iii, p. 220.

102. Lockwood, *Pioneer Days in Arizona*, p. 150.

103. S. R. no. 156, p. 136 *et seq.* In May, 1864, the post as well as the seat of government was moved several miles south to the present location of Prescott.

104. *Farish*, vol. iii, pp. 45-46.

105. Poston to Dole, Dec. 31, 1863, I. O., *Ariz. Misc.*

106. Browne to Dole, Dec. 27, 1863, 38 Cong., 2 sess., H. E. D. no. 1, vol. v, p. 308.

policy by declaring that "relentless and unchangeable" war would be necessary until the savages were reduced or forced on a reservation.¹⁰⁷

The white occupation was indeed threatened within a few weeks. Ranches were swept bare of stock, miners were killed at their work, and the Indians were so numerous and dangerous that the region was destitute of transportation. Workmen erecting buildings in Prescott went armed and no one could go beyond the town limits in safety. In March a band of Tontos raided up the Hassayampa River to Weaver, where they killed seven persons including two of the most prominent citizens.¹⁰⁸

Frontier spirit now reached the exploding point, and King S. Woolsey, a prominent rancher, organized and led a punitive expedition of sixty whites and sixty Pimas and Maricopas into the hostiles' haunts. After arranging a council at Bloody Tanks near the present Miami, Arizona, he treacherously murdered twenty-four of the savages.¹⁰⁹

Conditions were equally bad in the southern part of the territory. Near Tubac Colonel Sam Butterworth and a party of mining engineers after losing two of their number were forced to stop their field work. The military at Fort Lowell was too weak to give protection, and further killings and devastations practically drove all enterprise from the region. Somewhat baffled, Poston turned to Washington for aid. In his request for more troops he also asked for military concert between the departments, pointing out that "It is almost equal to going in a foreign country to pass one military department to another." He suggested that 3,000-5,000 cavalymen would be needed to reduce the hostilities.¹¹⁰

On February 20 Governor Goodwin asked permission of the War Department to raise a regiment of volunteer in-

107. *Journal of First Legislative Assembly*, p. 43.

108. *Farish*, vol. iii, pp. 256-257.

109. Rumor has it that Woolsey gave the Indians a feast of poisoned pinole—whence the name "Pinole Treaty" for the fight. See *McClintock*, vol. i, p. 186 for details.

110. Poston to Dole, Jan. 18, 1864, I. O., p. 141.

fantry. Permission was granted, but the authority was not exercised until June, 1865.¹¹¹

In the meantime the Apaches practically invested Prescott. Their scouts, unknown to the whites, watched the movements of travellers so closely that it was almost suicide for a small party to venture in any direction. R. C. McCormick, secretary of the territory and former journalist from New York, attempted to get more troops and wrote Poston that the sentiment at Prescott was for "utter extermination of the savages."¹¹² Poston, instead of taking up his duties at Prescott, remained at Tucson haggling over Indian traderships. He worked out no constructive program, but he wanted to take a delegation of chiefs to Washington. This would be a much cheaper way to impress them with "the power and resources of the Government," he believed, "than by engaging in a long Indian war."¹¹³

But the frontiersmen of Arizona preferred direct action, and late in March they again organized under Colonel Woolsey. Proceeding into the edge of the Tonto Basin, they fell upon a large village of sixty wickiups composed mainly of squaws, children, and old men. The entire village was wiped out, and Carleton's statement of fourteen killed probably referred to the warriors alone.¹¹⁴

For several months Carleton had expended most of his energy against the Navajos and Mescaleros, trying to confine them to the Bosque Redondo in Eastern New Mexico.¹¹⁵ He also continued minor operations against the remaining Mimbres and Mogollons. The new gold fields were not forgotten, however, and he contemplated a new post to be known as Fort Goodwin on the Gila, north of Fort Bowie. To the people of Arizona he sent word that troops would soon be sent not to make "a little march out and back again,"

111. See letter of Gen. J. B. Fry to Gov. of Ariz., April 16, 1864, in *Farish*, vol. iv, pp. 94-97.

112. McCormick to Poston, Mar. 3, 1864, I. O., *Ariz. Misc.*

113. Poston to Dole, Mar. 14, 1864, I. O., P 172.

114. S. R. no. 156, p. 260.

115. Frank D. Reeve, "Federal Indian Policy in New Mexico, 1858-1880," in *N. M. HIST. REV.*, xiii (Jan. 1938), chap. iii.

but to wage a serious war against the Apaches.¹¹⁶ He sought the coöperation of the governors of Sonora and Chihuahua, extending to them the privilege of crossing into his department, and he requested them to put a large force in the field about June 1 for a three months campaign.¹¹⁷ A similar plea for aid and coöperation was sent to Governor Goodwin in which he declared that if the Apaches were not subjugated by Christmas, a war of twenty years length could be anticipated.¹¹⁸

In fact General Carleton probably wishing to learn the fighting methods of the Western Apaches, had already sent Captain J. H. Whitlock on a campaign along the upper Gila. Thirty-four Indians killed, many others wounded and forty-five head of stock captured, indicated that the hostiles could be worsted. Colonels E. A. Rigg and H. H. Davis, late in May, penetrated into the same region to choose the site for the new post. They selected a spot near the Gila about six miles from the present Fort Thomas, Arizona, and then campaigned until they had killed forty-nine more Indians.¹¹⁹

Despite these early prospects of success Carleton's proposed campaign failed to materialize. The records give no clue, but it is possible that the frontiersmen's unwillingness to volunteer for the campaign cooled the general's ardor.¹²⁰

Officials in the territory now began to realize the magnitude of the Indian problem. The surveyor-general informed his superior that the Apaches could muster 1,800 warriors.¹²¹ John C. Dunn in charge of the Yavapai at Poston's direction, saw that the whites were associating these friendly Indians with the hostile bands to the east. He predicted that white encroachment would soon force the Indians into hostility along the trails from the Colorado River to

116. Carleton to Col. N. H. Davis, April 1, 1864, *S. R.* no. 156, pp. 171-172.

117. Carleton to Don Ygnacio Pesquira and Don Louis Terrazas, April 20, 1864, *ibid.*, pp. 177-178.

118. Carleton to Goodwin, April 20, 1864, *ibid.*, p. 179.

119. *S. R.* no. 156, pp. 184, 260.

120. *Journals of First Legislative Assembly*, p. 182.

121. Levi Bashford to J. M. Edmunds, July 4, 1864, 38 Cong., 2 sess., *H. E. D.* no. 1, vol. v, p. 110.

Prescott. When the situation became desperate in early August, he went to Date Creek, where with considerable success he counseled the Yavapai to go to the Yuma Reservation on the Colorado.¹²²

Dunn's efforts deterred the Prescott frontiersmen from waging immediate war on the Yavapai; instead, ninety of them pushed into eastern Arizona on a combined gold-hunting and Indian-fighting expedition. No Indians were killed, but the expedition in moving through a country hitherto unexplored, gained a great deal of new geographical information. More important, the expedition not only proved that the number of Apaches was greatly exaggerated, but it also demonstrated that their remote haunts could be reached.¹²³

The defensive strength of the territory suffered sharply during the fall by the mustering out of a considerable number of the California Volunteers. This checked active scouting, but skeletal forces were maintained at the posts. With slight prospects of reënforcements and with hostility spreading to formerly peaceable bands, Carleton decided that 2,000 troops would be required to subjugate the aroused Apaches.¹²⁴

Carleton was soon relieved of the defense of Arizona, however, for the territory was shifted in January, 1865, to the Department of the Pacific. Unfortunately, this move discouraged and enervated the few remaining commands, and thus the savages were left practically unrestrained. Early in February they committed numerous killings and robberies in southeastern Arizona, and then they attacked the small group of videttes stationed at Fort Buchanan, drove

122. Dunn to Dole, Aug. 25, 1864, I. O., D 563.

Pauline Weaver, an old mountain man and friend of the Yavapai, did much conciliatory work. Weaver to Poston, Oct. 31, 1864, I. O., P 278.

123. Woolsey to Goodwin, Aug. 28, 1864 in *Farish*, vol. iii, p. 253 *et seq.*

124. Carleton to Goodwin, Oct. 13, 1864, A. G. O., L. B. no. 16.

The territorial legislature took Carleton's hint and began to think of self-help, provided the federal government would furnish the money and arms. They also demanded that Arizona be shifted to the Department of the Pacific. 38 Cong., 2 sess., H. M. D. no. 18.

them out and actually took the post and its impedimenta.¹²⁵

West of Prescott the whites gave the Yavapais and Apache-Yumas no chance to be peaceable. Although various bands of them worked on the roads and herded stock for the settlers, a command from Fort Whipple, early in January, wantonly attacked and killed twenty-eight men, women, and children of Chief Hosekma's band, including the friendly chief himself. The Indians still hoped for peace, but a month later an intoxicated settler killed Chief Amasa. Killing of whites then became general, and the Indians soon cut off all communication to the Colorado. By June it appeared that central Arizona and contiguous parts would have to be abandoned.¹²⁶

The territorial officers now tried to raise a force. Governor Goodwin and Colonel Woolsey were sent as special commissioners to San Francisco to negotiate a loan, but they found the bankers unresponsive. While in San Francisco they presented the plight of affairs to the department commander, General Irvin McDowell. He agreed to send reinforcements at once and promised to make Arizona a separate military district.¹²⁷

General McDowell moved rapidly, and in May General J. S. Mason arrived in Arizona with 1,000 troops. He came home too soon, for even the friendly tribes of the Colorado River were ready to start war.¹²⁸ With the troops came elaborate instructions. The territory was to be divided into a number of sub-districts in which the commander of each was to be absolute in all matters of active field operations. "Activity and energy" was demanded and a careful study of the tribes was ordered.¹²⁹

The new superintendent, G. W. Leihy,¹³⁰ determined to continue Poston's plan of colonizing the friendly Indians on

125. M. O. Davidson to Dole, Feb. 11, 1865, I. O., D 672.

126. Dunn to Dole, May 23, 1865, I. O., D 736.

127. *Journals of the Second Legislative Assembly*, p. 41.

128. Davidson to Dole, Aug. 12, 1865, I. O., D 770.

129. 40 Cong., 2 sess., *H. E. D.* no. 1, vol. ii, pp. 91-92.

130. Leihy's appointment followed Poston's election as delegate to Congress. Dole to Leihy, April 1, 1865, I. O., *Ariz., Misc.*

the Colorado and of leaving the hostile bands to the military and frontiersmen.¹³¹ He therefore hastened to Prescott to facilitate coöperation with Mason.¹³² The Indian Office also became coöperative and instructed Leihy to give the military full control in times of hostilities. Even in the case of supply issues, he was to be governed solely by military recommendations.¹³³

General Mason decided upon immediate action. He directed Colonel C. H. Lewis to clear the hostiles from a newly created district south of the Gila and east of the Pima Villages. But Lewis failed to take action, and the situation rapidly grew worse. Troops from Fort Bowie, more in accord with the spirit of instructions, campaigned extensively; nevertheless the hostiles remained unreduced.¹³⁴

Mason accompanied by Goodwin, meanwhile, proceeded to Fort Bowie. He attempted to arrange a council with the Indians, but as they had experienced the violation of five flags of truce during the past year none could be gotten in. He then worked out a plan of campaign whereby the savages were to be wiped out by incessant attacks throughout the territory. Those who would surrender, however, were to be placed on certain designated reserves, where they were to receive rations and protection.¹³⁵

The most important reserve thus designated was near Fort Goodwin. Superintendent Leihy was enthusiastic about its location and he predicted that with liberal appropriations the experiment would prove very successful.¹³⁶ The territorial politicians also become enthusiastic,

131. Poston wrote, "The Apache richly deserve extermination . . . I have no objection to seeing them burnt alive, men, women and children." Poston to Leihy, April 12, 1865, *ibid.*

132. Leihy to Comm., Oct. 18, 1865, 39 Cong., 1 sess., *H. E. D.* no. 1, vol. ii, p. 690.

133. Comm. to Leihy, July 27, 1865, I. O., *Ariz. Misc.*

134. *Farish*, vol. iv, pp. 124-127.

135. *Ibid.*

136. Leihy to Comm., Oct. 18, 1865, *op. cit.*

and to attract immigration gave out propoganda that the Apache troubles were practically ended.¹³⁷

But the widespread hostility in central Arizona during the summer of 1865 proved the falsity of their statements. Attacks were of hourly occurrence around Prescott, and the necessity for defence made it practically impossible for the territorial judge to keep his jurors in the box.¹³⁸ Killings and raids attributed to the Pinals and Tontos necessitated greater permanent protection to the Salt River Valley; consequently, General McDowell ordered the establishment of a five-company post near the junction of the Salt and Verde rivers. This was done on September 7 by Colonel C. E. Bennett who named the post Fort McDowell.¹³⁹ The choice of location was a most sagacious one, for in addition to its strategical value, it forced the hostiles when raiding to pass through the country of their dangerous enemies, the Pimas and Maricopas.

General Mason now decided upon a winter campaign. He planned to make Verde the frontier line from which all expeditions were to penetrate eastward. Leihy supported the plan and reported that the future of the territory depended upon the outcome of the war. But Leihy was a realist and he saw that the contempt the average settler had for the Indians made a permanent peace almost a chimera. Besides, he realized that the wide searches the Indians were forced to make for indigenous foods naturally led to clashes with the whites.¹⁴⁰

He therefore eagerly awaited an opportunity to remove those bands in closest proximity to the settlements of central

137. McCormick to *New York Times*, June 1, 1865, quoted by *Farish*, vol. iv, p. 22.

Military need of grain was the *raison d'etre* of the new settlements established early in 1865 in the Verde, Williamson's, Kirkland, People's and Skull valleys. See *Farish*, vol. iv, p. 215 *et seq.* for details. Camp Lincoln, established in Jan., 1866, (name changed to Camp Verde, Nov. 23, 1868) commanded the upper Verde Valley. T. H. S. Hammersley, ed., *Complete Army Register of the United States, 1779-1879*, (Wash., 1881), p. 361.

138. *Farish*, vol. iii, pp. 246-247.

139. Hammersley, *op. cit.*, p. 220.

140. Leihy to Comm., Oct. 18, 1865, *op. cit.*, p. 691.

Arizona. His chance came in October when war broke out among the widely divergent tribes up and down the Colorado. Enlisting the aid of Chief Iretaba of the Mohaves and Chief Cuesucama of the Yavapai, he induced about 800 of the semi-hostile Yavapai allies of the Mohaves to move to the Colorado River Reservation. This success not only gave needed relief to Mason's troops, but in causing commerce to start again, it prevented the white abandonment of much of western Arizona.¹⁴¹

Mason's troops soon showed unusual vigor, for General McDowell announced he planned a winter inspection of the district of Arizona. A strong command in October successfully defended the Verde settlements against two hundred raiders and killed five of them. Almost simultaneously Cochise's band was struck in the Chiricahua Mountains and rendered *hors de combat* for the rest of the winter.¹⁴² Fort McDowell troops campaigned actively along the lower Verde, but the ubiquitous hostiles were too elusive to be decimated.¹⁴³

Unfortunately, the vigor of the troops west of Prescott was retarded by a lack of coöperation on the part of the citizens;¹⁴⁴ and in the Fort Goodwin area, Major James Gorman's interest in graft prevented any effective blows.¹⁴⁵

General Mason in December, promulgated a new policy for the Yavapai and other tribes of western Arizona by establishing a north and south peace line midway between Prescott and the Colorado. West of the line the Indians were to be considered peaceable; those to the east at war.

141. *Ibid.*, p. 687.

142. Lt. Antonio Abeyetea to Maj. H. M. Benson, Oct. 25, 1865, A. G. O., 632; Maj. James Gorman to A. A. G., Dec. 9, 1865, *ibid.*

143. Lt. J. D. Walker to Bennett, Dec. 12, 1865, *ibid.*

144. In one typical case, a packtrain of fifty animals belonging to one Wormster was attacked by fifty Indians. The packsters gave the escort under Captain A. S. Grant no aid whatever. Wormster quickly placed his loss at \$800, but when he saw that the troops would be successful in recovering almost all of his packs, he immediately raised his estimation of losses to \$1500. Grant to Col. Green, Dec. 25, 1865, *ibid.*

145. Gorman made a treaty with Chief Francisco, who agreed not to molest the region near the post. With Gorman's rations his band raided and murdered to the Rio Grande. They then returned with the stock of their victims, finding the post sutler and some of the officers eager buyers. Frank and B. C. Morehouse to M. O. Davidson, Oct. 30, 1865, I. O., D 917.

If the whites could be prevented from overt acts of hostility, he looked upon the new policy as a complete solution for the problem.¹⁴⁶

The New Mexican authorities gave little attention in 1865 to the Western Apaches left to their control. In March General Carleton decided the Mimbrenos should be established at the Bosque Redondo, and for that purpose he sent Captain N. H. Davis to interview them. Davis counseled with Victorio and his sub-chiefs at Pinos Altos on April 20, where he found them destitute, tired of war and ready to send an examining committee to the Bosque. A point of rendezvous for the start was selected, but no delegation appeared. Davis then closed all possibilities of success by ordering his men to kill every male Indian found. In reporting to Carleton he set forth that a true policy toward the "rattlesnakes" would be one of "unrelenting war."¹⁴⁷

During 1865 the officials of the Department of the Interior showed far less interest in the Apaches than either the Arizona or New Mexico military. In fact, the commissioner late in 1864 stated that Apache relations were governed by the course of events rather than by the adoption of a policy.¹⁴⁸ No one in the department apparently understood the problem, and Leihy's suggestion that a bribe of \$300-\$500 each, would keep the chiefs peaceable,¹⁴⁹ proved that men in the field had no constructive views. Commissioner Cooley reported that the Apache troubles were due to a lack of congressional appropriations for subsistence,¹⁵⁰ but more appropriately, he could have said that a lack of funds deterred the formulation of a constructive Apache policy.

146. General Order no. 15, Dec. 18, 1865, I. O., L 48. The Army War College has a vast collection of military orders covering the Indian wars. Many of the orders also accompanied documents sent to the Interior and War Departments. The *Old Records Division* of the Adjutant General's Office has many files of orders, but these are rather inaccessible.

147. Davis to A. A. G., May 3, 1865, S. R. no. 156, pp. 304-307.

148. Dole to J. P. Usher, Nov. 15, 1864, 38 Cong., 2 sess., H. E. D. no. 1, vol. v, p. 165.

149. Leihy to D. N. Cooley, Dec. 1, 1865, I. O., L 4.

150. Cooley to Harlan, Dec. 20, 1865, R. B. no. 15, p. 20.

Whatever other conclusions may be drawn regarding the Apaches at this point, it is certain that a definite policy for their control remained to be charted.

(To be continued)

THE VARGAS ENCOMIENDA

By LANSING B. BLOOM

IN THE Spanish conquest of America, the *encomienda* became one of the most characteristic features of the colonial system. As one region after another was conquered, the land thus acquired was conceived of as part, not of Spain as a state, but of the vast personal estates of the Spanish sovereign; likewise the native peoples were thought of as subject directly to the king rather than to the Spanish realm. Thus both land and people of conquered regions came under the *patronazgo real*; the king was the regal *patrón* who could hold or dispose of them according to his own good pleasure.

In essence, the *encomienda* system was a method used by the Spanish king or his representatives (viceroys and governors) of rewarding meritorious service on the one hand, and of utilizing the native people on the other. To a Spaniard who had done good service in a conquest or otherwise might be "commended" a stated number of natives by whose service he was to profit. It was a system of forced labor, under contract made in which the native had no voice; but as the native was early declared to be a freeman and Spanish subject, the *encomendero* or grantee was required to "pay" for the manual labor thus exploited, and he was expected to look to the physical and spiritual well being of the natives entrusted to him. In short, the *encomienda* system was a modified form of serfdom, adapted to the exigencies of colonial Spanish America.¹

Initiated in the West Indies by Columbus himself, the *encomienda* system was carried to Mexico City by Hernán Cortés; as one region after another was opened up by the

1. For any comprehensive study of the *encomienda* system, the reader is referred to Ruth K. Barber, *Indian Labor in the Spanish Colonies* (Historical Society, Santa Fé, 1932); Leslie H. Simpson, *The Encomienda in New Spain* (Berkeley, 1929); and to the more recent able work by Silvio A. Zavala, *La Encomienda Indiana* (Madrid, 1935).

conquistadores, this method of securing an adequate supply of manual labor was everywhere the chief recourse of the Spaniards. The first viceroy of New Spain, Don Antonio de Mendoza, made such grants, among others, to Don Francisco Vázquez de Coronado; and Coronado in turn, while governor of Nueva Galicia, made similar grants within his jurisdiction. In their efforts to control and regulate the system, successive kings of Spain issued numerous laws, but any effort wholly to extirpate the system was a failure. In one form or another, it was to survive down to the end of Spanish rule.²

In New Mexico there were encomiendas from the beginning of colonization. Among the stipulations made by Don Juan de Oñate in the contract which he signed with the then viceroy, Don Luís de Velasco, in September, 1595, was one which read:

that I may distribute the said pueblos and vassals as I think best to the soldiers, conquerors and settlers who may go on the said expedition under my banner and [that] of my said successors, and that this may be understood [as valid] with those who may be second and third conquerors and settlers and others who may help in the conquest and pacifying of that land, and that they and their successors are to enjoy this encomienda to the third generation as granted by the ordinance fifty-eight, Your lordship undertaking further to supplicate His Majesty to grant the [encomiendas] to them in perpetuity, or at least for three more generations.³

How many encomiendas were made by Oñate, for what amounts, and to whom, we do not know; and the same statement applies to Don Pedro de Peralta who was governor from 1610 to 1614. We do know, however, that Peralta also was authorized to make such grants with the proviso that

2. The *Recopilación de leyes de los reynos de las Indias*, libro vi, títulos viii-ix (vol. II, ff. 221v.-233v.) gives eighty-eight laws dealing with this matter, ranging in dates from 1511 to 1667. (2nd edition, Madrid, 1756.)

3. There are several copies of the Oñate *capitulación*. The one here used is a certified copy in the Archivo General de Indias (A.G.I.), sección de Mexico, legajo 20. "Ordinance 58" is embodied in the second law of those cited in note no. 2.

encomiendas already created by Oñate were not to be disturbed.⁴

Although the data thus far gleaned from the archives of Mexico and Spain regarding the 17th century *encomenderos* in New Mexico are very meager, it is important to remember one fact about them: namely, that they constituted a kind of militia for the defence of the province. In return for the annual tribute and personal services which he enjoyed from the Indians entrusted to him, each *encomendero* was expected to respond to any summons for escort-duty or campaign service. What little we know about any of them, evidence which is scattered but cumulative, shows that they did give such service.⁵

The fullest statement regarding encomiendas in New Mexico in the 17th century is found in a report made at Mexico City on September 26, 1638, by Fray Juan de Prada, commissary-general of the Franciscan order.⁶ He states that the governor of New Mexico, by authority of His Majesty

has orders to give in *encomienda* the pueblos of the Indians to the Spaniards who may assist in those conversions. Thus, in conformity with the royal ordinances, the Indians are apportioned among their *encomenderos*, whom they recognize, and each household of Indians pays him each year, either

4. See the "Instructions for Don Pedro de Peralta," in *El Palacio*, xxiv, pp. 466-478.

5. For example, a payment was made in Mexico City on Feb. 22, 1614, to Alférez Juan de la Cruz for military service in New Mexico up to Sept. 10, 1612, which was over and above "the five years which he had served without salary because of enjoying the benefits which are granted to the conquerors of that [province] from the year 1596 up to said date." A.G.I., Contaduría, 716, libranza of 22 feb. 614.

A record of this kind of especial interest is a payment made on January 28, 1625, of 2,700 pesos for escort-service to ten soldiers. Of this, 200 ps. each went to Capt. Francisco Gómez, Capt. Tomás de Alviso, and Alférez Juan de Tapia, each of whom is described as an *encomendero*; and 300 ps. each went to the other seven, of whom two were captains, three ensigns, and two plain soldiers. A.G.I., Contaduría, 726, libranza of 28 enero 1625.

6. The original is with other papers in a *consulta* in A.G.I., Guadalajara 138. The Spanish text was published by Father Otto Maas, O.F.M., *Misiones de Nuevo Méjico*, I (Madrid, 1929), pp. 19-29; an English translation is given by C. W. Hackett (ed.), *Historical Documents relating to New Mexico to 1773*, III (Washington, 1937), pp. 106-115.

as tax or tribute, one *fanega* of maize, which in this country is valued at four *reales*, and also a piece of cotton cloth (*manta de algodón*) six palms square, which is reckoned in price at six *reales*. But it is necessary to note that although it was stated above that about 40,000 baptized persons are administered in those conversions, yet the tributes do not today reach the number of 8,000, because the tribute, according to the provisions up to the present time of the royal ordinances is not collected according to the number of persons but according to the poll and the list of houses, and in each one of these are three or four married Indians. Generally, there lives in each house a group of relatives, and, according to this method, a house counts as a source of tribute and from them the said *encomenderos* collect every year the maize and the *manta* which the Indians are required to give.

These *encomenderos* are under obligation to participate with their arms and horses in the defense both of the natives as well as of the religious who are in the frontier pueblos and live in constant danger from the Apache Indians. These are a very warlike people who live in *rancherías* in the environs of the converted pueblos, against which that nation [the Apache] makes continuous attacks. Thus, in order to guard against these attacks, soldiers are always provided, and in times of especial danger they are accustomed to hire others to assist them to form convoys, and for this they give them, at their own expense, arms and horses. All these soldiers of New Mexico receive no other pay from his Majesty nor do they receive any salary other than the contribution referred to which each one collects yearly, according to the income from his *encomienda*.

Perhaps it should be stated that, in 1638, the king and his advisers in Spain were considering the wisdom of creating bishoprics in New Mexico and Sinaloa, if sufficient revenue to warrant it could be raised in the provinces. The above excerpt shows that the total then being paid in tributes by the natives amounted to 10,000 pesos, all of which was needed for the purposes indicated; and upon the information

which he had gathered from missionaries who had long served in New Mexico, Fray Juan urged that it would not be wise to require the Indians to pay more.

It is not clear from this document or from other sources just how many Spaniards in New Mexico were *encomenderos* in 1638. Elsewhere in this report Fray Juan stated that there was only one villa at that time, in which there were about fifty Spaniards "although there must be about 200 persons." Probably not all of the fifty had *encomiendas*, but on the other hand there were certainly *encomenderos* in other parts of the province. Without clear documentary evidence, it may be conservative to estimate that there were then at least a hundred *encomiendas* which ranged in value from fifty to two hundred pesos annually, and that these were held by some fifty or sixty Spaniards.⁷

While Don Luís de Rosas was governor of New Mexico (1637-1641), the Duke of Escalona (viceroy of New Spain, 1640-1642) fixed the total number of *encomiendas* permissible in New Mexico at thirty-five.⁸ This must have occasioned a considerable reduction in the total number of grantees, which would simplify the collecting of the tribute payments from the Pueblo Indians but would certainly cause heart-burning in the Spaniards whose *encomiendas*, however small, thus reverted to the crown or were transferred to others.⁹ The limitation established at that time was still in effect in 1662, and without reasonable doubt con-

7. Despite legislation to the contrary, it is probable that in New Mexico various *encomenderos* already held more than one of these grants. Twenty-four years later (Sept. 22, 1662) Fray Salvador Guerra made affidavit that many of the Spaniards in Santa Fé held "three, two, five, seven, or ten of them" and did so without themselves doing the corresponding military service. Hackett, *op. cit.*, iii, 250. In 1664, in the *encomiendas* of Francisco Gómez (deceased) there were 722 tributaries. *Ibid.*, 253.

8. *Ibid.*, 258. H. I. Priestley, *The Coming of the White Man*, pp. 54, 121, seems to have understood that Escalona "created" thirty-five additional *encomiendas*. Instead the total number was being reduced and the intent was evidently to throw greater responsibility for frontier defense upon a limited number of Spaniards.

9. Further study of the voluminous facsimile records from Mexico and Spain now in the Coronado Library, University of New Mexico, will, perhaps, show that the dispossessions involved in these readjustments were an important factor in the tragic events of 1641-1643.

tinued to 1680 when the Spaniards were either killed or driven out in the Rebellion of that year.¹⁰

With this very sketchy review of the history of the *encomienda* system as it affected New Mexico from the time of Oñate down to the Rebellion of 1680, we are now in a position to consider the radical change which followed that revolt of the natives.

Some of this privileged group were among those who were killed in the outbreak of 1680, but certainly there were others among the Spaniards who escaped to El Paso del Norte who had been *encomenderos*; yet the writer does not recall a single reference to any one of them as an *encomendero* subsequent to the rebellion. Herein lay one of the distinctions between the rewards which were possible for those who had come with Don Juan de Oñate and those possible in the time of Don Diego de Vargas. The Spaniards or their heirs who lost *encomiendas* in 1680 never recovered them. By sharing in the campaigns of 1692-1696 they might earn the distinction of *reconquistador*; houses and lands held prior to 1680 could be recovered, or new grants of land (*mercedes*) might be secured in return for services rendered; but no Spaniard among them ever regained his old *encomienda* right to collect an annual tribute from an allotted number of the subjugated Pueblo Indians.

Of course this change was in line with the persistent determination of the Spanish monarchs to turn back directly into the royal coffers the stream of native tribute. For example, a long written opinion by the Council of the Indies dated December 30, 1690,¹¹ in view of the royal desire to abrogate the *encomiendas* and reincorporate them in the crown, advocated a general law which would reaffirm the old discarded "New Law of 1542" and do so in a form more

10. On May 4, 1662, Governor Peñalosa issued to Capt. Cristóbal Durán y Chávez a title as *escudero* of certain *encomiendas* which belonged to Diego Romero, then a prisoner of the Inquisition. In this title Peñalosa cited the fact that the king had "determined" that the number of *encomenderos* in New Mexico should be thirty-five. A.G.N., Inquisición, 507, f. 232v. See also Hackett, *op. cit.*, iii, pp. 252, 258.

11. Cited by Závala, *op. cit.*, 333, from A.G.I., Indiferente, legajo 81.

sweeping than the original. The line of argument, this time, was not legal or philosophical, but was based frankly on "the needs of the monarchy," and the principle was enunciated that *encomiendas* were voluntary favors on the part of the monarch—which he could revoke if he so pleased. The king's attitude regarding the system, evident all through colonial times, is understandable enough. There were powerful economic arguments for the continuing of the system, and to make such a grant was a simple way of rewarding a subject who had given distinguished service; but on the other hand its feudalistic character was repugnant to the monarch, and also, small as the individual tribute was, in the aggregate it amounted to a very large revenue—and successive Spanish kings, Hapsburg and Bourbon, were determined that this should revert to the crown and not continue indefinitely to be dissipated to grantees and their heirs.

There are grounds, therefore, for surprise and considerable interest in learning that Don Diego de Vargas Zapata y Luján, Ponce de León, as one result of his successful reconquest of New Mexico, petitioned for and was given a large *encomienda*; and further, that the original grant was, during the eighteenth century, repeatedly reaffirmed to his heirs. The records dealing with this Vargas *encomienda* are so voluminous that we shall attempt to give only a summary of them, with quotation of some more important passages.¹²

12. While working with Mrs. Bloom in the archives of Spain in 1928-29, some of these documents were noted and listed, but the writer did not secure facsimile copies until this past year. With leave of absence from the University of New Mexico and first sent to Italy by the Bandelier centennial commission in the spring of 1938, we found it possible to resume work in Sevilla last October. Of the archival material brought home in May, a complete set of prints is now being made at the Coronado Library.

II

Don Diego de Vargas was born in Madrid on, or about, October 29, 1643.¹³ In his twenty-first year, he married Doña Beatriz Pimentel de Prado who was about two years his senior, and nine months later their one and only child was born.¹⁴ When this little daughter was in her eighth year, in the summer of 1672, Don Diego left Madrid for Cádiz, on his way to New Spain.¹⁵ Apparently he returned to Spain only once during the rest of his life, and this single visit is understandable if the death of his wife occurred in the fall of 1677.¹⁶

After he had gotten back to New Spain, probably in the spring of 1679, or before, he seems to have entered into an illegitimate alliance—according to a very common practice

13. José Pérez Balsera, *Laudemos viros gloriosos et parentes nostros in generatione sua* (Madrid, 1931), p. 64, shows the baptismal date November 8; the birth date would have been ten days before. Señor Pérez informed the writer in Spain last spring that his residence in Madrid (the old Vargas home) had been sacked and his library destroyed. Fortunately Dr. José Manuel Espinosa, St. Louis, has a copy of the book cited and by his courtesy we have a facsimile. Dr. Espinosa intends shortly to publish a biography of Don Diego de Vargas, so we shall attempt only to give the data which will make intelligible the story of the encomienda.

14. Doña Beatriz was born January 12, 1642, and therefore was about two years older than Don Diego to whom she was married on May 5, 1664. The only child of this marriage, baptized as Isabel María Polonia, was born February 9, 1665. Pérez Balsera, *op. cit.*, pp. 71, 72, 84.

15. In December 1672, he wrote that he had been waiting six months in Cádiz for the royal dispatches which he was to carry to Mexico City; the unexpected delay had exhausted both the expense money already received and his personal funds. On Jan. 1, 1673, the Council of the Indies responded with an additional grant. A.G.I., Mexico, 276.

16. Pérez Balsera, *op. cit.*, does not have the record of this death but it was certainly before the daughter's marriage on December 13, 1688; for that record (p. 85) has no mention of either parent and speaks of the "Sta. Isavel Maria de Vargas Pimentel" as "nuestra parrochiana avitando enfrente de la Merced Calzada casas propias . . ."

That Vargas was in Spain in 1678 appears from the opening sentences of the "título de gobernador" issued for him by King Charles II on June 18, 1688 (A.G.I., Mexico, 1216. ". . . os ynbíé el año de mill seiscientos y setenta y ocho por Capitan de un auisso que fue ala nueba españa con zedula de Recomendazion para q. Dn. fr. Payo de Riuera q. fue Arzobispo de la Iglesia de Mexico y mi birrey ynterin de aquellas probinzias os acomodasse en ocupazion desente . . ."

This document further shows that Vargas was not in Spain in 1688. Moreover, our statement (N. M. HIST. REV., xi (1936), 209) that Vargas was in Madrid in August 1690 is evidently an error, based on the article "De Vargas" by the late Chas. F. Coan in the *Dict. of Am. Biog.* We have since found no substantiation for Dr. Coan's statement that "on August 14, 1690, a power of attorney was executed in

of those times—with a lady in Mexico City.¹⁷ The union was marked by permanence and fidelity. It lasted for twenty-five years, and on his death-bed Don Diego acknowledged as his the three children which resulted from this marriage. Of the three we are interested only in Don Juan Manuel de Vargas Pimentel who appears repeatedly in later records as “the oldest son.” Born prior to April 1680,¹⁸ his father was able to place him in the court in Madrid as “a page of the Queen”; and he also served as a “captain of cavalry” for some years before the summer of 1699 when, as a bearer of royal dispatches, he returned to New Spain.¹⁹ He and his younger brother, Don Alonso de Vargas, accompanied their father to Santa Fé in the summer of 1703.²⁰

As to Vargas' record in the king's service prior to 1691, not much is known. The Vargas family in Madrid was so

17. Rafael Altamira y Crevea, *Historia de España*, ii, 188-9, discusses three forms of marriage which were prevalent in Spain, the last of them even among the clergy: *matrimonio canónico*, *a yuras*, and the *contrato de barraganía*. This marriage of Vargas may have been by the second form—if his wife in Spain was already deceased.

The name of the lady in Mexico City does not appear but it is interesting to know that she and a sister lived in the Governor's Palace at Santa Fé after the Reconquest. Possibly they made the journey from Mexico City with the colonists who came in 1694. In the scurrilous testimony which was formulated by Governor Cubero in the fall of 1697, with the connivance of the Santa Fé cabildo, Vargas' *criado*, Don Antonio de Valverde was smeared as living in concubinage with the sister, “going in and out of the rooms of the women” and very much at home in the Palace—at times even “yelling” at Vargas. It is significant that even in such testimony the term *amancebado* is in no case applied to Vargas and his wife; she is always referred to as “la Dama” of Don Diego. Probably both women left Santa Fé with Valverde in September 1697, soon after the arrival of Cubero, and returned to Mexico City. A.G.I., Guadalajara, 142, Cabildo de Santa Fé contra Vargas, marzo 1699; *ibid.*, 141, Relación de servicios de Antonio de Valverde (impreso), Madrid, 8 nov. 1698.

18. In the will which Vargas signed at Bernalillo on 7 abril 1704 (the day before his death), he gives the age of Juan Manuel as twenty-four; that of Alonzo was twenty-three; and their sister, Maria Theresa, of nineteen years was “with her mother in Mexico City.” Twitchell, *Span. Archives of N. Mex.*, I, p. 304.

19. El Marqués de la Florida, acting for Don Diego de Vargas, requested His Majesty for the dispatches (making effective Vargas' reappointment as governor in succession to Cubero), “para que en el proximo auio de la flotta los puede llevar el Capp'n de Cauillos don Juan Manuel de Vargas su hijo.” A.G.I., Guadalajara, 142, doc. no. 7. The date is placed by the endorsements: “Consejo [de Indias] 4 junio 699”; “Dénselo” with rubric.

20. Twitchell, *op. cit.*, I, archive 1027.

Madrid which gave his wife (*sic*) Juana de Vargas Ponce de Leon control over extensive property rights in Spain and Mexico.”

ancient and powerful²¹ that, like his father before him and his son after him, Don Diego had doubtless served as a queen's page and later as a soldier. Arriving in Mexico City with the king's recommendation, probably in the spring of 1673, Vargas was given the post of *alcalde mayor* of Teutila by the Marqués de Mancera, who was then viceroy.²² When Vargas was in Madrid in 1678, his service at Teutila seems to have won for him the new recommendation, this time to Viceroy Payo de Rivera, which resulted (1679) in his appointment as *alcalde mayor* of the mines of Tlalpujahuá and also as administrator of quicksilver for the crown; and his administration was so satisfactory that the next viceroy, the Conde de Paredes (1680-1686) reappointed him.²³

Back in Mexico City and out of a job after the retirement of Paredes (November 16, 1686) but eager to continue in the king's service, Vargas petitioned for the post of governor of New Mexico. The matter was handled for him successfully by two representatives in Madrid.²⁴ It is interesting to note that up to this time appointments to this post had been handled by the viceroy in Mexico City; that Vargas was to be placed in possession at once, whether or not the last appointment had expired; also that, since Vargas was in

21. Vide J. M. Espinosa, "Notes on the Lineage of Don Diego de Vargas," in *N. M. HIST. REV.*, x (1935), 112-120.

22. Mancera held office until Dec. 8, 1673, his successor (Duque de Veragua) dying suddenly the sixth day after taking charge. By provision for such an eventuality, the archbishop of Mexico (Fray Payo Enriquez de Rivera) assumed the office Dec. 13, 1673, and ruled to Nov. 30, 1680. Riva Palacio, *México a través de los siglos*, ii, 633-637.

That Mancera appointed Vargas to Teutila is definitely stated in the so-called "Restauración del Nuevo Mexico por Don Diego de Vargas," written in 1716 or later, attributed to some unknown fraile of the Province of the Holy Gospel in Mexico City, and copied for the great compilation which was sent to Spain in 1792. Bolton, *Guide to . . . Archives of Mexico*, 21. Besides being a secondary source, the text of the anonymous Franciscan is phrased as if based on representations made by Vargas himself when seeking more favors from the king; and we have no other mention of Vargas at Teutila. However, the fact fits in with the chronology being given and seems credible.

23. A.G.I., Mexico, 1216, "Capp'an don Diego de Bargas Zapata y Luján; título de Gov'or del Castillo y Provincia del Nuevo Mexico por haver servido con 2,500 escudos de plata. 18 de Junio de 1688." A.G.N., Historia, 2, f. 51r., also mentions a cedula of 16 feb. 1683 to the viceroy expressing royal appreciation of Vargas' services.

24. Relevant papers of 29 mayo to 10 junio, 1688, are in A.G.I., Guadalajara, 3; copy of the title as issued is in A.G.I., Mexico, 1216, as already cited.

New Spain, he might give the necessary oath before the viceroy. We get the impression that Vargas' cash "service" to the king of 2,500 *escudos* was a decisive factor; and yet the king carefully stipulated that he was also to pay, in advance, the tax known as the *media anata*.

Don Diego did not go north immediately, partly because a year later the king and his advisers were flirting with attractive offers for the reconquest of New Mexico which were being made by Don Torobio de la Huerta.²⁵ Not until February 22 of 1691 was Vargas at Paso del Norte, and it was in the fall of 1692 that he made his first dramatic and bloodless *entrada* into the revolted Pueblo part of the province.²⁶ Back from this successful campaign, Vargas went vigorously to work to assemble colonists and supplies for the permanent *entrada*. To supplement the Spaniards who were available in the Paso del Norte district (the refugees of 1680), he went south to Zacatecas—and from there, on May 16, 1693, he wrote a long letter to King Charles II which was to have important results.²⁷

Huerta, when trying to supplant Vargas in the enterprise of reconquering New Mexico, had foolishly announced in advance the rewards which he sought. Vargas, more

25. Some of these papers are in A.G.I., Guadalajara, 3, and Historia, 66; others are in A.G.N., Historia, 37. See also I. A. Leonard, *The Mercurio Volante of Sigüenza y Góngora*, pp. 31-43.

26. The dramatic manner in which Vargas reported his success to the authorities in Mexico City was tremendously impressive. Alarming reports had been coming in from Nueva Viscaya where the presidios had been weakened in order to furnish Vargas more soldiers for his *entrada*, and for months no news had arrived from New Mexico—when out of the north came a flying courier with mail which had traveled *over 1,500 miles in thirty-six days!* This seems incredible but it is a fact proved by documents which are in A.G.N., Prov. Internas, legajos 36-37. Three original letters of Vargas and the *testimonio de autos*, all dated at Santa Fé on October 16, 1692, arrived in Mexico on November 21, 1692.

Without doubt, this was the record for speed between these two points up to that time. Properly to appreciate the feat, it may be checked with the "flying mail" service of a century and a half later, when dispatches went through in approximately the same time—by means of relays of horses and couriers. See L.B.B., "New Mexico under Mexican Administration," in *Old Santa Fé*, I, 14-16. For the acclaim with which the news was received in Mexico City, see I. A. Leonard (ed.), *The Mercurio Volante of Don Carlos de Sigüenza y Góngora* (Quivira Society, 1932).

27. The letter is in A.G.I., Guad., 139. One endorsement notes that it was "delivered to Sr. don Antonio Ortiz on 18 julio 1694"; another shows that it was before the Council of Indies on 4 Feb. 1697.

shrewdly, went ahead "at his own cost" and only after his first success had been loudly acclaimed in Mexico City and in Spain did he express his hopes of preferment. In this letter from Zacatecas, after briefly summarizing events since he took charge in February, 1691, and contrasting his success with the earlier failures of Governors Otermín, Jironza, and Reneros, he states that he is waiting in that remote corner of the world, hoping with all due submission that his majesty will grant him rewards which are commensurate with the important services he has rendered. With an allusion to the distinguished family to which he belongs, he then asks two favors: first, the title of marquis of two places near the court known as "de los Caramancheles" with the accompanying revenues and, second, promotion to the governorship of Guatemala, or the Philippines, or Chile, or Buenos Aires.²⁸

The letter from Zacatecas simply initiated Vargas' petition for what he regarded as suitable recognition for his merits and services. It was followed by other letters and *autos de guerra* supplementing those which had been sent from Santa Fé; and official reports from Mexico City also favored his plea. Then, in November, 1695, Don Juan Gonzales Calderón (one of the two who had represented him in 1688 in getting the post of governor) presented to the king on his behalf a memorial which reviewed his achievements in the *entradas* of 1692 and 1693 (both at his own cost); stated that Vargas desired, with the greatest submission, to win royal approbation through continued, arduous and sleepless endeavors; mentioned the repeated distinguished services of his father and grandfathers; and in order that he might creditably continue his own service for the king,

28. Perhaps when he wrote this letter, Vargas knew that the king had already, on June 24, 1692, sold for 2,000 pesos the succession to the New Mexico governorship to Capt. Don Pedro Rodríguez de Cubero! A duplicate copy of the title to Cubero is in A.G. I., Mexico, 1216. Earlier, Don Domingo Jironza, who had served twice as governor during the period of exile, had asked to be continued in office, and on July 19, 1691, the council in Madrid was favorable—if the viceroy had not already installed Vargas and could give him some other post. A.G.I., Guadalajara, 141. But after the first gratifying reports of Vargas reached Madrid, this danger to his tenure disappeared.

Vargas supplicated his Majesty to honor him with a title of marquis for his house, and with an *encomienda* of 6,000 pesos which should be levied annually on the conquered Pueblo Indians—and should not be subject to discount.²⁹ The king referred the memorial to the Council of Indies on November 2, 1695, and they to their *fiscal* who made a brief endorsement as to its contents. Here the matter rested for over a year, possibly because, less than three months before, the king had told the council not to bring before him any case which asked for an “*encomienda* in Indians.”

So far as we know, this was the first broaching of the idea of a possible *encomienda* for Vargas in New Mexico, and it may be well, therefore, to pause for a moment and speculate on certain implications of such a request. Since earlier *encomiendas* in New Mexico had amounted, at most, to a few hundred pesos each, it is sufficiently startling at first thought that Vargas should ask for one of 6,000 pesos. It is true, as we shall see presently, that, while the number of *encomiendas* had been limited to a total of thirty-five, the revenue collected from tributary Indians had increased about 50 per cent in value before the Revolt of 1680 wiped them out. If their total value at that time was between 12,000 and 15,000 pesos, Vargas' figure was not exorbitant—unless there were conflicting interests.

Again, it seems strange that such a request should be made by one who had undertaken to reconquer New Mexico for the king “at his own cost” and who repeatedly emphasized that aspect of his services.³⁰ But a little analysis clears up this point. Vargas had paid 2,500 *escudos*, plus the *media anata*, for a post of which the annual salary was only 2,000 pesos. Payment of the salary during his first governorship was figured from February 22, 1691, to July 2,

29. This memorial with accompanying papers and endorsements is in A.G.I., Guad., 141. Exemption of such an *encomienda* from royal tax had been allowed “the Adelantado of Yucatán.”

30. See, e. g., the account published in July 1693 in the *Mercurio Volante*, a copy of which was in Madrid by January 1694. The claim was later substantiated also by official statements from Mexico City that the reconquest had been “at very small cost” to the royal treasury.

1697, when he was relieved at Santa Fé by Governor Cubero. Over against this were the extraordinary expenses of two *entradas* during that period, of which a very serious part was the recruiting and maintaining of his mercenary force of a hundred soldiers. Probably it is conservative to estimate that Vargas' payments out of his personal resources while the conquest was being effected ran to 30,000 or 40,000 pesos a year.³¹ His request, therefore, was very moderate as compared with what he had spent. It was not his idea to recover on these large expenditures, but rather to supplement his meager salary and to be able to live in a manner suited to his new dignities.³²

Lastly, if such a grant should be made to Vargas, how would it affect other interests? Would it militate against the Franciscans in their missionary work? If missions were to be converted into parishes, the question of local revenues

31. The pay of an ordinary soldier was 350 ps. a year, officers received somewhat more. Capt. Antonio de Valverde, who enlisted in June 1693 and became his adjutant, was paid 450 ps. Two other *criados*, Don Juan Paez Hurtado and Don Felix Martínez, may have been paid the same.

A detailed accounting of expenditures by Vargas for the colonists whom he assembled is found in A.G.I., Guad., 141 pp. 1539-1580 (in doc. 20). Testimony in the legal wrangle between Cubero and Vargas regarding 22,500 pesos paid to the soldiers at Paso del Norte (largely due to Vargas as a refund) is found in A.G.N., Hist., 37, ff. 1-37.

32. This point is well expressed in a *consulta* by the Council of Indies dated June 3, 1697, in A.G.I., Guad., 141. In his earlier service as well as in the reconquest, Vargas had greatly depleted his private resources, including even the patrimony which had come to him from his father in the Indies; he now had "many children and grandchildren,"—and in many cases such encomiendas had been granted to others.

The father, Don Alonso de Vargas Zapata y Luján, was born about 1620; served 8 May 1633 to 10 Jan. 1641 as a page of the queen; married 6 Jan. 1641; and in April 1650 was en route to America with title received from the king as *alcalde mayor* of the city of Chiapa in Guatemala. Pérez Balseira, op. cit., pp. 58-62; A.G.I., Contratación, 5429, no. 16.

The writer did not have time last spring to follow up further identification or data on the father of Don Diego. We do not know what property in America he left nor the year of his death,—if this was before 1673, it was doubtless one reason why Don Diego went out that year.

As to "children and grandchildren": the only child of the marriage in Spain, Doña Isabel Maria de Vargas Pimentel, was married 13 Dec. 1688 to Don Ignacio López de Zárate. Of this union were born a son and three daughters, possibly all of them before January 1697. From the marriage *de barraganía* in Mexico City there were three children, the youngest at this time being twelve years old. The oldest, Juan Manuel, now seventeen years old, probably had finished his service as a page at court and was in military service.

was important. What about the king himself? The repeated and persistent efforts of successive monarchs had been to extirpate, so far as possible, all *encomiendas*; and in a way perhaps it was as satisfactory to Charles II as it was to the Pueblo Indians that the old ones in New Mexico had been wiped out in 1680. In the natural course of events after Spanish authority was reëstablished, the natives would again be required to pay tribute; would the king consent to share this even with the man who, "at his own cost," had done the remarkable service of recovering that very important frontier region for the crown? And what about the former *encomenderos* or their heirs—they may have had small hope that their old rights would be restored, but would they look on with equanimity if Vargas were given a grant worth 6,000 pesos for "two generations?" When Cubero, who had bought the governorship in succession to Vargas, arrived in Santa Fé in July, 1697, the possibilities for profiteering (after the fashion of earlier governors) must have been much less than he had anticipated. Why, after the thirty days' *residencia* had expired, did he start a criminal process against Vargas, throw him into prison and hold him there for nearly three years? We may find, with further study, that it became known in Santa Fé what Vargas' agents over in Spain were about, and that then Cubero was able to arouse the colonists almost unanimously against Vargas, although the latter had just ended six years of remarkable service. It was a strange turn of affairs, that Vargas the Reconqueror could be held in close confinement for "three years less a month."

As we have seen, the question of granting Vargas an *encomienda* had been raised in Spain by the memorial of November, 1695. Our next reference to the matter is simply an endorsement reference to a *parecer* by the *fiscal* of the Council of Indies dated January 4, 1697, which shows that the papers bearing on the case were being studied.³³ During

33. The five entire legajos identified at Sevilla as "Guadalajara, 138-142" were included among the archives of which, upon request of the writer by a calendar-

the next month, they were in the hands of their "historian," Don Juan de Villagutierre Sotomayor, whose digest of them was submitted to the Council on February.³⁴ Their recommendations to the king, based thereon, were: (1) that Vargas be reappointed governor of New Mexico in succession to Cubero;³⁵ (2) that he be given the honorary distinction of *Pacificador*; (3) that he be granted a title of marquis or count; and (4) that he be allowed an *encomienda* of 4,000 pesos from the Indians of New Mexico, which the viceroy should be told to institute immediately and which should be valid for two generations. On February 25, 1697, the king gave his full approval—except as to the *encomienda*—and this decision was dispatched some ten days later, to the viceroy in Mexico City and to Vargas.³⁶

It is not apparent who was looking after Vargas' interests in Madrid at this time,³⁷ but a few weeks later another

34. See A.G.I., Guad., 141, pp. 31-42, docs. 6-7 with various endorsements. The *consulta* record follows, docs. 10, 9, pp. 66-67, 43-64.

Lic. Villagutierre is of especial interest to New Mexico history because he has been identified as the author of an unpublished manuscript: *Historia de la conquista, pérdida y restauración de el Reyno y Provincias de la [Nueva] Mexico en la America Septentrional*. It is in the Biblioteca Nacional in Madrid, in two thick volumes of nearly 1,800 pages. Father Otto Maas, O.F.M., *Misiones de Nuevo Méjico*, I (Madrid, 1929), pp. viii-lvi, publishes the table of contents of its "ten books." The chapter sub-titles show that this official historian began this work with the discovery of America, but drew fully the last two-thirds of his material from the Vargas papers! The last book and a half described the events of 1692 in crushing the last outbreak, and the last sub-title of the closing chapter reads: "His Majesty rewards the governor, Don Diego de Vargas."

35. Since Vargas was reported by the viceroy to have begun his governorship on Feb. 22, 1691, and his term had been made for five years, they thought at this time in Madrid that Cubero had already taken charge. As a matter of fact, Vargas was still governing in that far off frontier province and Cubero did not reach Santa Fé until the following July.

36. The *consulta* record, dated February 25, is in A.G.I., Guad., 141, pp. 66-67 and 43-64 (docs. 10, 9); other records are in *ibid.*, pp. 78-84 and 68-71 (docs. 12, 11).

37. Don Manuel de Lira and Don Juan González Calderón had acted for him in 1688, and the latter again in 1695, but these names are not found in the papers of 1697. Endorsements on the documents last cited show that copies of them were later furnished to the Marqués de la Florida—but that was on June 15 and Sept. 27, 1699.

list made in May 1929, the Library of Congress took facsimile copies. The documents here being used (from A.G.I., Guad., 141) were sorted out by Mr. Roscoe R. Hill who was then in charge of the work in Spain and were photographed with an L. C. label showing numbers of document and page. The above endorsement is A.G.I., Guad., 141, p. 24, doc. 4.

memorial was presented on his behalf which expressed deep appreciation of the honors just granted but which, very diplomatically of course, again urgently prayed for the *encomienda*. Referred by the king to the council, that body on June 3 again approved such a grant, but the king tersely refused.³⁸

So the matter stood until, about a year later, Capt. Antonio de Valverde arrived in Madrid, seeking for himself the post of presidial captain at Passo del Norte—but also evidently on behalf of his *patrón*.³⁹ The first-hand information brought by this participant in the reconquest of New Mexico, added to the efforts of Vargas' powerful relatives and friends, seems at last to have turned the scales. He was also helped by a strong letter to the king, written by the viceroy on January 19, 1698.⁴⁰

In July 1698, a third petition for the *encomienda* was presented on behalf of Vargas, asking that the matter be reconsidered.⁴¹ It was handled in the usual way, and again

38. *Ibid.*, pp. 85-90, 98-101 (docs. 13, 14, 16). A rubric signs the endorsed refusal: "lo resuelto" (what was decided).

39. His *Relación de servicios* was printed in Madrid in November, 1698. *Ibid.*, pp. 91-97 (doc. 15). An analysis of this paper shows that, on the plea of sickness, he had left Santa Fé in September 1697—apparently before Vargas had been thrown into prison. Carrying credentials of his service record not only from Vargas but also from the *cabildo* (!), from the *Custodio* of the missionaries, and from Governor Cubero (!), he was in Mexico City early in 1698 where he was given another credential by the viceroy. Probably he reached Madrid in the summer of 1698.

40. A.G.I., Guad., 141, pp. 108-114 (doc. 18). This letter, which did not arrive until October 23, was accompanied by more Vargas *autos de guerra* which make up the bulk of this legajo (doc. no. 19). By the same ship and arrival-date came another letter of April 18, 1698, from the viceroy (doc. 21) transmitting the *autos* which Vargas had prepared in Santa Fé a year earlier (doc. 22), protesting against the transferring of the governorship to Cubero. Of course, none of these papers had any effect in Madrid until after Oct. 23, 1698.

41. *Ibid.*, pp. 1652-1654 (doc. 25). Unfortunately, in the arranging of legajo 141 for photographing, those documents which appear as nos. 23-27 were not placed in their proper collation: no. 26 belongs with no. 4, no. 24 relates to no. 21, and the others should follow no. 16.

The third Vargas petition here cited (no. 25) repeats the second (no. 14) word for word, but adds the request that the desired *encomienda* should not be liable to payment of the *media anata* and further that it should be assigned to Vargas' oldest son, Don Juan Manuel de Vargas Pimentel, who had served as a queen's page and had completed four years of service as a cavalry captain in the Catalanian army.

This petition, like the earlier ones, was not presented by Vargas personally, nor even written by him. Of course, it must have been in line with his known wishes, but it was drafted in Madrid by some agent who acted for Vargas.

the recommendation of the Council of Indies was favorable. This time the king approved entirely, and a royal cedula in accord with their *consulta* of August 21 was dispatched to the viceroy in Mexico City.⁴²

At last the *encomienda* had been granted! True, its annual value had been reduced from 6,000 to 4,000 pesos, and the king stipulated that the holder must pay the *media anata*—and must do so in advance;⁴³ also the grant was to be valid only in New Mexico. If the conquest did not prove permanent, Vargas was enjoined from asking for a transfer of the *encomienda* to some other region. If it could not be made effective in New Mexico, the grant was worthless. On the other hand, the viceroy was told to institute the *encomienda* “immediately,” and the first holder of it might be the “oldest son” of Vargas.⁴⁴ After the favorable decision in Madrid, the next step necessary would be to get the viceroy in Mexico City to put the *encomienda* into effect.

What had been happening meanwhile on the other side of the ocean? On February 2, 1697, a new viceroy had taken charge, Don José Sarmiento Valladares, who was to rule there for the king until November 4, 1701. This period of nearly five years, embracing as it did the long imprisonment of Vargas and his final release, was to be very important in the affairs of the Reconquistador. Although he did not know Sarmiento personally, he hoped to find favor with him; and he thought that possibly, before Sarmiento had left Madrid for his viceroyalty in Mexico, Vargas' two sons had “offered themselves at his feet,” namely, Capt. Don Juan

42. A.G.I., Guad., 141, pp. 1643-46, 1652-53, 1658-68, 102-106. An endorsement (with rubric) at the end of the *consulta* reads “Como parece en todo” (p. 1668); another at the beginning of the cedula reads “Consulta del Consejo de 21 de Agosto de 1698” (p. 102).

43. Before delivery of title, Vargas (or his son) must have from the treasury officials a receipt for having paid the first half of this tax: 1,000 pesos, plus 200 more to cover remittance to Spain; and another 1,200 pesos was due a year later.

44. As Don Diego was now nearly fifty-four years old and the grant was only “for two lives,” this was a shrewd provision, as it would extend the benefit to another generation. It shows, also, that the son, Juan Manuel (now seventeen years old) was expected to return to New Spain and find his career there, and that Vargas did not think of the *encomienda* as necessarily coupled with the governorship.

Manuel de Vargas Pimentel and Don Ygnacio Lopes de Sárate (of the king's council and a knight of Santiago).⁴⁵

Shortly after the arrival of Viceroy Sarmiento, Capt. Don Pedro Rodríguez Cubero presented his claim to succeed Vargas as governor and captain general of New Mexico, by virtue of the title which he had secured five years before; and immediately Alférez Francisco Díaz de Tagle (as agent at Mexico City for Vargas) protested, claiming that under Spanish colonial law Vargas, as "Pacifier, Restorer, and Conqueror," was entitled to retain the governorship for the rest of his life—and also for that of his son; and the agent petitioned that confirmation to Cubero be delayed while the matter was appealed to the court in Spain.⁴⁶ But after careful consideration with his advisers, Sarmiento decided that he must honor Cubero's title and accordingly he did so. Later, this action was fully approved in Spain, but this was only after official transcripts of the papers had been received in Madrid.⁴⁷

45. From a letter, Vargas to Sarmiento, signed at Santa Fé April 29, 1697, and received in Mexico City by June 14, A.G.I., Guad., 141, pp. 1528-38 (doc. 20).

Don Ignacio was really Vargas' son-in-law. Born on or about Oct. 28, 1647, he was nearly twice the age of Doña Isabel María when he married her in December 1688—thus uniting two very old and powerful families of Castile. Since he was a mature man and had already attained distinction, it is probable that soon after the marriage Vargas gave him his power of attorney to administer his estates in Spain,—we know that he had done so at least prior to April 1701. A.G.I., Guad., 142, p. 98 *et seq.* (doc. 12).

Vargas' reference to his "two sons" would suggest amicable relations between his legitimate and illegitimate families, but this does not necessarily follow. To indicate such an influential family connection would impress Viceroy Sarmiento, whose help he wants to secure.

46. These papers are in A.G.N., Provincias Internas, 36: *Autos sobre la contradicción por parte de . . . Vargas*. Tagle's power of attorney was dated 4 Nov. 1690 (so certified on 26 Feb. 1697).

47. As already noted above, the autos de guerra concerning events of 1696 in New Mexico were not forwarded until Sarmiento wrote on *January 19, 1698*; when they reached Mexico City from Santa Fé is not clear. Again, the papers regarding the "Contradicción" in March-April, 1697, were not forwarded until a year later (April 18, 1698); and both of these voluminous records reached Madrid only about two months after the decision as to the encomienda. Supplementary papers (various testimonials, etc.) which were carried by Don Antonio de Valverde when he left Santa Fé in July 1697, with additional papers which he secured in Mexico City the following winter, did reach Madrid before August 1698,—but they would be of no avail until after the above official records arrived. The royal cedula of approval sent to Sarmiento was dated January 26, 1699. A copy is in A.G.I., Mexico, 1077, vol. F37.

During the winter of 1698-1699 it was not yet known in Madrid that Vargas was being held a prisoner by Cubero in Santa Fé, but so far as it was known his case was under advisement.⁴⁸ In January 1699, the first payment of the *media anata* on the *encomienda* seems to have been completed and a dispatch was gotten off to the viceroy, a copy of it being furnished on February 21 to Don Juan Manuel who wanted to send it to his father by the next mail.⁴⁹

Then, in April, the Marqués de la Florida presented a petition for another term as governor for Vargas, which should be for six years and valid as soon as Cubero completed his five years. He also asked that Don Juan Manuel might have the dispatches to carry with him in the next fleet. It was so ordered, after action by the Council on June 4,⁵⁰ except that the reappointment was for five years, not six.⁵¹

At last, in April 1700, it was known in Madrid that Vargas had been held by Cubero a prisoner in Santa Fé since October 2, 1697; and incidentally, twelve days after that date sentence of exile had been pronounced against his *criado* Valverde, although he had left Santa Fé weeks before! Serious charges against both of them had been drawn up by Cubero and the town-council, and these had been sent directly to the king, their intent being to prevent the return of Vargas as governor.⁵² but almost immediately a petition

48. See, e. g., the briefing by the *fiscal* dated Madrid, Dec. 10, 1698, of the "testimonios de autos grandes" on the Indian outbreak of 1696, in A.G.I., Guad., 141, pp. 1669-75 (doc. 28).

49. From endorsements on document 17, A.G.I., Guad., 141, p. 107. A copy of the dispatch is in A.G.I., Mexico, 1102, vol. C44.

50. See note 19, above.

51. A copy of the "Title," dated June 15, 1699, is in A.G.I., Mexico, 1216; in *ibid.*, legajo 1077, vol. F37, are another copy and also letters of the same date, King to Sarmiento and King to Vargas. Meanwhile on March 17, Don Antonio de Valverde had at last succeeded in securing the post of presidial captain at Passo del Norte, but when he was on the point of sailing (at Cádiz July 8) the papers were delivered to him—with no provision for salary! An agent acting for him got, Dec. 10, 1699, an order directing the viceroy to provide him the usual salary. A.G.I., Guad., 142, pp. 75-79, doc. 8. A copy of the cedula (dated 14 Jan. 1700) is in A.G.I., Mexico, 1077, vol. F37, and shows the patent was dated 28 June 1699.

52. See especially the papers prepared in Santa Fé from December 1698 to March 1699, in A.G.I., Guad., 142, pp. 10-70 (docs. 3-6), endorsed "sobre procedi-

was also presented on behalf of Vargas, which stated that after the thirty days' period for his *residencia* had expired without showing anything to his discredit, Cubero had instituted new proceedings against him; and when Vargas had protested that Cubero had no such authority, the latter had jailed him on October 2, 1697, two and a half years before! It appears from later records that Vargas had been held practically *incomunicado* and Cubero had tried to keep from him any writing materials.⁵³ Having before them both the *memorial* of the Santa Fé cabildo and the Vargas petition, the Council of the Indies recommended that the viceroy call on Santa Fé for all papers in the Vargas-Cubero matter, that Vargas be ordered released under bond, and that he be given a full and fair hearing in Mexico City. All of this was merely an echo of steps which the viceroy had already taken, more than a year before, and to which he had doubtless referred in his reports to the king.⁵⁴ What had been happening in Santa Fé and in Mexico City is partly a matter of record and partly surmise.

Some unnamed Franciscan, a member of the Province of the Holy Gospel in Mexico City,⁵⁵ writing in, or about, the year 1717, tells us:

It is certain that Vargas promised too readily various things which under that form of government

53. This seems to be first mentioned at Madrid in the petition here cited, which was before the Council on April 19, 1700. A.G.I., Guad., 142, pp. 80-92 (doc. 10).

54. A.G.I., Mexico, 1077, vol. F37, royal order to viceroy and audiencia, 22 abril 1700; and another of same date to Governor Cubero. In *ibid.*, legajo 1103, vol. C45, is a five-page record of a more detailed communication, 16 julio 1700, to Mexico City, transmitting a copy of the charges made by the Santa Fé cabildo.

Another appeal from Vargas in April 1701 got favorable action by the Council and resulted in a royal cedula of 27 April 1701 (A.G.I., Guad., 142, pp. 101-120, docs. 13-14; also a better copy of the cedula in A.G.I., Mexico, 1103, C45); while another appeal by the cabildo (of 6 Dec. 1700) reached Madrid later and was referred (Sept. 1701) back to Mexico City (A.G.I., Guad., 142, pp. 93-97, doc. 11). The cedula of 27 April 1701 directed the immediate release of Vargas—nearly a year after that was an accomplished fact!

55. See A.G.N., Historia, 2, Restauración del Nuevo Mexico por Don Diego de Vargas Zapata, ff. 51 *et seq.*

mientos del Gov'r Don Diego de Vargas y de Antonio de Balberde Cosio, su criado." These papers were presented in Madrid on 26 Mar. 1700 by an agent in the name of the Santa Fé cabildo.

he could not carry out, even if he proceeded with all the energy and zeal possible, and that, therefore, in various reports to the viceroys he was silent as to much of what he himself had to endure along with all the religious, soldiers, and settlers because of incompleteness in the reduction [of the natives]. But it is equally certain, as is apparent from the various papers of the Cabildo itself and by his own *autos de guerra*, that never did he give any reason to the Spanish inhabitants of this newly reestablished colony to conceive against him such implacable hatred—rather indeed [he gave them] many reasons to regard him with love as the restorer of the country.

Cubero was not ignorant of this, but, pretending to be uninformed and without being deterred by the fact that, after the *residencia* [of Vargas] had terminated, he lacked any authority over his predecessor and especially with regard to the king's interests, he drew up charges against Don Diego de Vargas; confiscated whatever he found to be his—even two negro slaves—putting it all in the public warehouse; at once fined him 4,000 pesos for costs of the trial; and put him a prisoner in the jail of Santa Fé, treating him with the greatest ignominy as undoubtedly a traitor. Old [residents] of New Mexico relate how Vargas suffered so much in his protracted imprisonment that no member of his family nor even the Religious could visit him; and if some one of the latter did secure from Cubero permission to enter to see and console him, [the soldiers] searched him first lest they should carry in to him any means for writing; and that the Reverend Custodian (who was then Father Fray Francisco Vargas), seeing him suffering so without any defense, journeyed to Mexico City and spoke in his behalf and arranged that, being released from prison, he might go and make his defense before the Viceroy. It appears from the papers in the case and from other papers of the time of Cubero that Father Vargas was retiring from his office at this time and that those who presided in succession to him were Fathers Fray Diego de Chavarría and Fray Juan Muños de Castro; and that early in 1698 the first petition on behalf of

Vargas was presented before his Excellency [Viceroy Sarmiento], asking that he be granted the freedom necessary to defend himself and the release from close confinement which he had already been suffering for many months. As a result of this petition, the Most Excellent Don Jose Sarmiento Valladares decreed that he should be released under bond and might depart for Mexico. Vargas would not accept release with this humiliating condition, in view of the ancient nobility of his house, his services, and the royal favors recently granted to him; and with a statement of all this, he replied that such a bond in order to get out of prison ought not to be required of him. So he stayed in prison, awaiting further action [by the Viceroy]. This came and Vargas departed for Mexico, the 20th day of July 1700, after enduring three years less a month of imprisonment.

The Santa Fé cabildo, already fearful, in a letter of 16 December '700⁵⁶ sent directly to the Sovereign their complaints, praying that Vargas be not allowed to return to New Mexico and much less that he should have the governorship which had been granted to him anew,⁵⁷ because, they said, "this was to place the sword in his hand so that, at his pleasure, he might take vengeance on all those who had testified against him." In a cedula of 10 October 1701, His Majesty ordered that in the Royal Council of Mexico the truth of the charges against Vargas should be aired and cleared up; if sustained, he should not be allowed to assume his governorship nor to return to New Mexico,⁵⁷ but in the contrary case he should be allowed to go and take possession—but that he might not take any *residencia* on Cubero.

After Vargas reached Mexico, affairs changed in appearance, and the members of the Santa Fé cabildo, seeing that theirs were in a bad state, tried first to quash the process by the *fiscal*

56. A misreading, due perhaps to the copy used by the Franciscan author. The original letter (of 6 Dec. 1700) had been sent to Madrid and is now in A.G.I., Guad. 142, pp. 93-95 (doc. 11).

57. The fear that Vargas might return to New Mexico *without* being governor shows that they knew about the promised *encomienda*, of which neither the cabildo nor Cubero makes any direct mention.

tribunal and then, failing in this, they dared to blame His Majesty's attorney with being prejudiced . . . But Vargas was cleared likewise of these impositions, so that he returned as governor of New Mexico, newly decorated with the title of Marques de la Nava de Brazinas,⁵⁸ . . .

From Vargas' release in the summer of 1700 until the spring of 1703, we do not know much about his activities. Besides facing out successfully in Mexico City all charges against him, probably during this interval he was giving considerable attention to recuperating his private fortunes both in Spain and in America, on which he had drawn so heavily in the king's service since 1691. We know that both his oldest son, Don Manuel, and his *criado*, Valverde, had returned from Spain in the summer of 1699, but over there Don Ignacio, his daughter's husband, held his power of attorney,⁵⁹ and doubtless he had the help at court of other powerful relatives and friends. Of the four royal favors which had been granted to him in 1697-1699, he already enjoyed the honorary rating of "Conquistador" and the "title in Castile" for which he had asked.⁶⁰ Thirdly, he had received a title for five years as governor of New Mexico "in succession to Cubero," but as the term of the latter would not expire normally before July 2, 1702, Vargas' new title

58. Except for some discrepancies as to dates, this seems to be a fair account of the course of events. The Vargas memorials fix the residencia conducted by Cubero in the thirty days from July 12 to August 11, 1697; the supplementary charges and taking of testimony began September 23, and Vargas was jailed on October 2. Probably the ex-custodian was southbound at least a year later than here indicated; which would place the "first petition" on into the year 1699.

59. See A.G.I., Guad., 142, pp. 99-100 (doc. 12), A.G.I., Indiferente, 49, LBB title 19.

60. The earliest use we have noticed of the title "Marqués de la Nava de Brazinas" is by his agent Joseph de Ledesma in Mexico City on July 11, 1700,—which was some days before Vargas was freed in Santa Fé. A.G.N., Historia, 37, Testimonio de diferentes recados sobre la paga de 22U500 pesos, f.2.

The facts as to the "title of Castile" are that the king (v. A.G.I., Guad., 141, docs. 11-12) had given him his choice as to title, and before July 1700 he had selected the title "Marqués de la Nava de Brazinas"—as he repeatedly signed himself after that date. Nevertheless, it had not been formally validated in Madrid prior to his death. It was, however, later confirmed to his daughter, and subsequently to her successive heirs; before his death, also, it appears in official papers which originated in Madrid.

was not apt to be validated prior to that date. And lastly, as to the *encomienda* which (February 21, 1699) the viceroy had been ordered to put into effect, nothing had as yet been done in Mexico City.

A dispatch of March 30, 1703, from the audiencia to the king, gives some insight into what had transpired at Mexico City in the Vargas matter down to that date:⁶¹

Sire

By royal cédulas of 22 April 1700 [and] 27 April 1701 issued by Your Majesty upon petitions of Don Diego de Vargas Zapata y Luján, Marqués de la Nava de Brazinas, and of 10 October 1701 secured by petition of the Villa of Sancta Fee, capital of the Provinces of New Mexico, Your Majesty was pleased to commit to this Royal Audiencia the investigation of the causes and charges brought against Don Diego by the Villa and promulgated by Don Pedro Rodríguez Cubero who succeeded him as governor of New Mexico, to the end that we should hear the one and the other party in justice and should determine the causes in accordance with law.

The [cédulas] being seen and obeyed, the autos having been assembled which were prosecuted upon these [causes] by the government of the viceroy and a copy thereof having been given to each of the parties and to the attorney of this royal Audiencia that they might argue fully and exhaustively, [and] having cleared up the interest of the royal Treasury in the accounts involved and which were taken by the royal Tribunal; after the autos had been examined,

Sentence *de vista y revista* was pronounced, in which it was decided, notwithstanding the charges and claims brought by the Villa of Sancta Fee against Don Diego de Vargas, that it had been invalid to allow them to be filed, since they had been presented outside the period of the Residencia and without the filing of bonds.

It was [therefore] ordered, in compliance with the royal Cédula whereby the office of governor of

61. A.G.I., Guad., 142, pp. 524-52 (doc. 20).

New Mexico was granted to [Vargas] for another five years, that he might proceed to exercise [said office], admonishing him to show love and goodwill toward the members of the cabildo and the residents of the said Villa, forgetting any reasons for prejudice which they might have occasioned him by reason of this complaint; that otherwise prompt and severe measures would be taken to remove him from office. [Also] the costs of the complaint were charged against the Villa and cabildo members and against Don Pedro Rodriguez Cubero their governor, jointly, with other provisos.

Which sentence *de revista* was pronounced on the ninth of this present month; and although in the said cédulas Your Majesty orders that report be made accompanied by the original record of the *autos* and *Residencia*, a copy thereof being retained, the brevity with which this mail is required to depart does not allow time in which an attested copy of more than 8,000 pages can be prepared. And since this royal Audiencia does not have the means to pay for it, and since the cabildo members of the Villa of Sancta Fee, [now] condemned with the costs [of the suit], have no money for the attested copy since, although they have pressed this suit with great diligence, supporting one of their members here, it is common knowledge that this has been done at the prodigious expense of Don Pedro Rodriguez Cubero, and he who, without validity and without authority, instigated so scandalous and notorious a case with the end and intent of protracting his continuance as governor, as he has managed to do for more than five years, but today, already deprived of so continuing, will lift his hand from the contribution of expenses for the *regidor*. These circumstances force us to supplicate your Majesty to decide as to who should pay the costs of this attested copy. . . Mexico, March 30, 1703.⁶²

62. This communication had not reached Madrid in October 1703, for earlier orders were repeated: A.G.I., Mexico, 1078, vol. F42, King to Audiencia, 10 Oct. 1703; King to fiscal, 11 Oct. 1703. But in December, the above decision was approved and the making of an attested copy was excused until further order: *ibid.*, King to Viceroy, 30 Dec. 1703.

As an example of the difficulties of long-range colonial government in those

While Vargas was thus securing recognition of his right to take over the governorship, he was also taking steps to get his *encomienda* established. On, or about, April 13, 1703, he secured from the viceroy (now the Duke of Alburquerque) a validating of the grant which had been issued in Madrid more than four years before. At first, the viceroy refused to recognize its validity for more than "one life," because of a recent royal decree; but Vargas argued that he was exempt from the provisions of that decree, and in the end the viceroy gave full recognition to the *encomienda* as originally granted on February 21, 1699,—but subject to final review and approval in Madrid. In effect, this was referring a grant which had been made under Charles II, last of the Spanish Hapsburg kings, back to Madrid for approval by Philip V, first of the Spanish Bourbon kings.⁶³ We shall see presently what the result was.

With this last matter of business thus settled, at least provisionally, Vargas made his will in Mexico City on June 1, 1703, and a week later started for New Mexico.⁶⁴ His two sons went with him: the older (now twenty-three years of age), the "Royal Officer" Capt. Juan Manuel de Vargas Pimentel, in the capacity of adjutant.⁶⁵

In view of the long and vindictive hostility of Governor Cubero and the members of the Santa Fé *cabildo*, it is not surprising that Vargas did not reach the capital until the

63. Charles II died 1 Nov. 1700; Philip was proclaimed king, Madrid 24 Nov. 1700, but did not arrive there until 4 April 1701. Riva Palacio, *op. cit.*, II, 751-2. Viceroy Sarmiento was followed, 4 Nov. 1701, by Archbishop Ortega y Montañes; and the latter was succeeded as viceroy, 8 Dec. 1702, by the Duke of Alburquerque. *Ibid.*, 753.

64. Unfortunately, this will has not yet turned up either in Mexico or in Spain, but some of its terms are deduced from later records. Apparently his property rights in Spain were left to his daughter in Madrid, together with his "title in Castile,"—she was later recognized as "la Marquesa de la Nava de Brazinas." It seems clear also that Vargas meant his American family to benefit by the *encomienda* (assigned to his oldest son) and any other assets in Mexico. These latter included a balance due him from the royal treasury of "17,619 pesos, 2 tomines y 6 granos"—in the settlement of accounts during his first term as governor.

65. Twitchell, *Span. Archs.*, II, p. 129; I, p. 304.

times, we might add that the above dispatch of 11 Oct. 1703 was answered by the fiscal on 12 Oct. 1704, and this answer was acknowledged by the king on 28 August 1705! *Ibid.*, 1079, vol. F43.

following November.⁶⁶ But if he anticipated any trouble, this proved to be groundless; Cubero had fled long before, taking a circuitous route so as to avoid meeting Vargas on the road,⁶⁷ and the *cabildo* promptly drew up and signed a most humiliating retraction of all charges they had preferred against Vargas.⁶⁸

Before the end of 1703, therefore, everything seemed propitious for Vargas to serve another five years as governor of New Mexico. But the grizzled old campaigner was now in his sixty-first year, and the following spring, when pursuing a band of raiding Apaches to the east of the Sandía mountains, he was stricken with a fatal illness. He managed to get down to Bernalillo, and there he died on April 8, 1704, after drawing up a long supplementary will and receiving extreme unction.⁶⁹

III

From later documents we know that Vargas had taken no steps after his return to Santa Fé to put his *encomienda* into operation. On his death-bed he had provided for the return of his two sons to Mexico City; his *criado* and friend, Don Juan Paez Hurtado, whom, in the emergency, he designated for acting governor, could hardly be expected to do anything about it—especially if (for reasons unknown) Don Juan Manuel, the beneficiary, was not staying on the ground. For further light as to the *encomienda*, therefore, we turn back to Madrid.

66. So stated by the anonymous author in A.G.N., Historia, 2, f.62r. At Santa Fé is a *bando* forbidding the soldiers to gamble away their horses and equipment, signed by Vargas at Santa Fé on Nov. 3, 1703. Twitchell, *op. cit.*, II, archive 91a.

67. From later representations it would seem that Cubero was campaigning out west in the Hopi-Zuñi country early in the year when he got definite word that Vargas was to supplant him as governor. The charge that Cubero had left that part of New Mexico ungarrisoned since "Shrove Tuesday" suggests that he had picked up whatever soldiers were stationed out there and fled the country, perhaps without even returning to Santa Fé.

68. A translation of this document is in Twitchell, *op. cit.*, II, pp. 117-126.

69. Most writers give this date as April 4. The will was signed by Vargas on April 7; later that day a codicil was added which he could not sign; and a contemporary document states that he died on the 8th. Twitchell, *op. cit.*, I, p. 231 (arch. 823). To clinch the point, "April 8" was the date reported by Juan Paez Hurtado, writing from Santa Fé on April 15, 1704. A.G.I., Guad., 142, p. 531 (doc. 21).

On March 13, 1703, Vargas had secured a certified copy of the judgments rendered by the Audiencia on February 13 and March 9, and this was sent to his son-in-law in Madrid, Don Ygnacio López de Zárate, who had his power of attorney. The latter, on October 20, presented on his behalf the following *memorial* or petition:⁷⁰

Sire: Don Diego de Vargas, Zapata, y Luxán, Ponce de León, Marqués de Barçinas (*sic*), says: that by the sentences *de vista y revista* which, on 13 February and 9 March of this present year (as is shown by the certified copy which he presents), were pronounced in his favor by the Royal Audiencia and Court of Mexico, in fulfilment of the royal cedula of Your Majesty of 21 February 1699 by which Your Majesty was pleased to grant him an *encomienda* of 4,000 pesos of revenue, in accord with the law of succession, by the Duke of Albuquerque, now viceroy of New Spain, the said *encomienda* has been established for him *for one and another life* (generation) with the condition that the enjoyment of the second may not be entered without first presenting the confirmation of Your Majesty, as is shown by the certified copy which he also presents; in which is found also the certification given by Don Juan de Montoya y Ochoa, cashier of the royal account of *media anata* on *mercedes* (grants) of the said kingdom of New Spain, to the effect that the petitioner (Vargas) had deposited in the Royal Coffers 1,200 pesos gold cash, which is the *media anata* tax for the half and first payment of 2,400 pesos which had been entered as due from him on the said account: 2,000 pesos thereof being for the half of the 4,000 [revenue] instituted for him through *encomienda*, and the remaining 400 pesos being for the cost and costs of remittance to the Kingdoms of Castile; and [further that he] had given bond, as shown by the note of the special judge of the said royal account of *Media anata*, for the remaining 1,200 pesos, the second and last payment [due]; and since further the accounts which were charged against the

70. Both of these documents are among the papers which accompany a *consulta* of 18 March 1709. A.G.I., Guad. 70, LBB titles 141-2.

petitioner were examined by Don Joseph de Contreras and Don Ysidoro Roano de Arista, cashiers-ordinary of the Royal Tribunal and Audiencia of accounts of the said Kingdom and a balance resulted in favor of the petitioner of 17,619 ps. 2 tomines and 6 granos, as is established and proved also by the certification which in full form he presents [herewith]:

HE PETITIONS Your Majesty with the greatest submission that you will be pleased to honor him by confirming the decision made by the said Viceroy in order that, with it (your confirmation), no difficulty may be encountered in the enjoyment of the *segunda vida* (second generation)—for which he hopes from the royal mercy and kindness of Your Majesty, whereby he will receive favor.

Don Ygnacio López de Zárate (rubric)⁷¹

Upon recommendation of the Council of Indies, January 19, 1704, the king (Philip V) informed the Duke of Alburquerque that the requested confirmation was granted, but told him to satisfy himself on certain points. Had the Indians who would be taxed under this *encomienda* been paying, in kind of products and amount and up to the Revolt of 1680, as represented by Vargas; and would it be without danger of another outbreak?⁷² Moreover, it was pointed out that both the first and second *encomenderos* would be required to live "in residence,"⁷³ that each would have to

71. As already shown, Don Ignacio was Vargas' son-in-law and held his power of attorney in Madrid. It is interesting to note that the confirmation here sought, together with the already expressed desire of Vargas, would fix the first assignment of the *encomienda* upon the illegitimate son, Don Juan Manuel, and the second would descend to his legitimate heir. As we shall see below, there was a *volte-face* by the heirs in Madrid—after the death of Vargas, and perhaps also after the early death of this son.

72. The various products of the country in which the Indians would pay, and their market values, were listed by Vargas as follows: a buffalo hide—1 peso; a buckskin—1 peso; a cotton blanket—1 peso; a thick blanket—1 peso; a thin blanket—1 peso; a thin blanket in colors (painted)—2 pesos; a fanega of corn—1 peso. See certified transcript of "Papeles, sentenzias y testimonios" with the *consulta* of 10 March 1709.

73. Under the current laws regulating *encomiendas*, Vargas could not have secured one if he had been an ordinary governor, but the viceroy agreed with his argument that, as a *Reconquistador* he was exempt from this restriction. On the

turn over to the king's treasury the revenue of one entire year, and the second (as Vargas himself had already done) would have to pay the *media anata* before inheriting the the *encomienda*. Clearly the king was losing no trick on getting for himself a generous share of the proceeds! ⁷⁴

The news of the death of Vargas on April 8, 1704, was sent from Santa Fé a week later; and in July it was forwarded to Madrid where, for reasons unknown, it did not arrive until the following February.⁷⁵ And even then we find no further information of interest to our present study until September 10, 1705, when López de Zárate asked for himself succession in the title "Marqués de la Nava de Braçinas."⁷⁶ The opinion of the Council of Indies was favor-

74. Such exactions on the part of the king would naturally tend to profiteering by the grantee—and it is not clear how this could be prevented. From the facts already discussed, we know that normally the tribute from the Pueblo Indians would be much greater than the 4,000 pesos to which Vargas was limited; they had paid nothing since 1680, and Vargas speaks of there having been no *encomienda* since that date. Probably the 4,000 would be pro-rated among the "reduced" pueblos, and their own officers would be made responsible for collecting the allotments; and the king might arrange through royal officials to get directly for himself whatever revenue was not thus assigned to Vargas.

75. First mention from Mexico City of the death of Vargas is found in A.G.I., Mexico, 521-522, Audiencia to King on 3 July 1704; the fiscal there also wrote about it on 4 August 1704; and on October 11, the Duke of Albuquerque reported the appointment as governor *ad interim* of Don Francisco Cuervo de Valdes, of the Order of Santiago. All three papers arrived on February 20, 1705. A.G.I., Guad., 142, pp. 530-538 (docs. 21-22).

76. In a printed *memorial*, he recited the merits and services of his *suegro*, Don Diego, and the various honors conferred upon him. He states that, in the will made in Mexico City on June 1, 1703, Vargas had left as his heiress Doña Isabel de Vargas y Pimentel, wife of the petitioner, as his oldest daughter and immediate successor to all his *mayorazgos* "of which the only benefit was the well known quality and lustre of a family among the first and most ancient in Madrid."

The king had told Vargas he might choose a "title in Castile" as either marquis or count, and Vargas had elected "the title of Marqués de la Nava de Braçinas," but it had been impossible for him to take out the said title in the customary manner because his resources had been so exhausted by the heavy expenses incurred in the reconquest and those occasioned by "the conspiracy under which he had suffered for more than three years after he had rendered such services."

So López de Zárate asked the title in succession without being required to pay the *media anata* and the *lanças* (a tax in lieu of military service), because Don Diego had been declared a "Conqueror" and "Pacifier"; also from the *encomienda* "for the second generation" as he (the petitioner) can not enjoy it in more than twenty years, according

other hand, "non-residence" of any such grantee was now under the ban, and evidently Vargas intended that he (or his son) should reside permanently in New Mexico.

able, advising a suspension of the taxes involved until the Vargas account in Mexico City was settled; but the king, in accepting this advice, fixed a time limit of two years.⁷⁷ Here the matter seems to have stood up to the death of López de Zárate, October 30, 1707.⁷⁸

Just a year later, Doña Isabel, now a widow, renewed the petition on her own behalf. Her right to the title "Marquesa" was fully recognized and finally, on March 19, 1709, the king ordered the viceroy to remit to Madrid, against the Vargas credit-balance in Mexico City, "7,055 pesos and one and a half *tomines*"! This was to pay the tax charges required before the title would be confirmed.⁷⁹

Early in March 1709, she presented a separate petition in which, as "legitimate daughter and only heir" of her father, now deceased, she asked recognition of her right to the 4,000 pesos *en encomienda* for the "second life," but with exemption from the residence requirement to which her father had agreed. She asked this because of her sex, her widowed state, and because she had three maiden daughters and one son of tender age—facts which made it utterly impossible for her to go to New Mexico to reside. Because also of her father's long and distinguished service in the conquest and pacification of New Mexico, she humbly prayed that she might enjoy the *encomienda* on the same terms as those accorded to her father but without having to live there. In expressing their approval, the Council of Indies pointed out that such exemption was regularly given to descendents of conquerors.⁸⁰ The king graciously granted the petition—

77. *Ibid.*, docs. 26-28.

78. Pérez Balseira, *op. cit.*, pp. 73-4.

79. These papers are in A.G.I., Guad., 142, pp. 570-634 (docs. 29-42). Another copy of the royal order is in A.G.I., Mexico, 1079, vol. F43.

80. The enclosing *consulta* was dated March 18, 1709, and with accompanying papers (already cited above) is in A.G.I., Guad., 70, LBB titles 141-2.

to provisions laid down by the royal orders. (This last is not clear, except that López de Zárate now had his eye on that *encomienda* for himself.)

He ended his petition for the title with an alternative request: if the cancelling of the two taxes were not allowed, that they might be suspended until after the Royal Treasury settled the balance due Vargas of 17,619 pesos, 2 t's, 6 g's. *Ibid.*, doc. 25.

but this put no revenue in the widow's purse. How was the *encomienda* to be placed in operation?

Some insight as to efforts in this regard which were made on behalf of Doña Isabel during the next few years is given us by three letters: one of January 3, 1713, written from Mexico City by an uncle, Don Pedro Alfonso de Vargas Luján; another from the same city on July 21, 1717, by her "attentive and faithful *criado*" Felix Martínez; and the last, dated at Mexico on February 22, 1718, by her "most humble servant" Juan Paez Hurtado.⁸¹ These letters have so many points of interest, not only bearing on the fate of the *encomienda* but also helping us understand events in New Mexico during some fifteen years following the death of Don Diego de Vargas, that their complete text will be given, with such explanatory notes as seem necessary.

Don Pedro was a brother of the late Don Diego, and had come out to Mexico City to straighten out family affairs. Since he refers to already having had correspondence both with Madrid and Santa Fé, he must have left Spain early in 1712—perhaps even earlier. Possibly before his journey out, the crown's liability of 17,619 pesos (resulting from Vargas' first term as governor) had been fully liquidated; but, as will be seen from this letter, a similar situation had developed after his second term as governor. For his *criado*, Don Juan Paez Hurtado, whom Vargas had made his executor and acting governor of New Mexico, had been obliged to incur expenditures amounting to 15,500 pesos before the arrival of Don Francisco Cuervo y Valdés.⁸² To make matters worse for Don Pedro, this *ad interim* governor had been relieved in 1707 by a regular governor, sent out from Spain,⁸³ and when Don Pedro is writing to his niece, still

81. These letters are found with a *consulta* of 4 Nov. 1720 which will be discussed below. A.G.I., Mexico, 379, LBB titles 715-717.

82. When news of Vargas' death reached the capital, the viceroy reported to the king that he had made Cuervo governor *ad interim*. A.G.I., Guad., 142, pp. 534-8 (doc. 22), Alburquerque to King, 11 Oct. 1704. Cuervo reached Santa Fé and took charge on March 2, 1705, to which date Paez Hurtado was acting governor.

83. *Ibid.*, endorsement, shows that the viceroy's letter arrived on 20 Feb. 1705, and the king then gave a regular title for five years to Admiral Don Joseph de Medina

another appointee of the king had recently become governor!⁸⁴ Also the Duke of Alburquerque who had known the Reconquistador personally had been succeeded as viceroy in 1711 by the Duke of Linares; and, if we may believe the latter, conditions generally in Mexico City and the entire viceroyalty must have been in as bad a state as at any time in the three long centuries of Spanish colonial rule.⁸⁵

From his opening sentence, it appears that Don Pedro began writing his letter in the Christmas holidays:

My dear Lady and Niece: By the fleet of General Ubilla which harbored at Vera Cruz on the 3rd of this month [December] I have received all the letters which, in one from you (forwarded as I judge from its contents in care of the Archbishop of Santo Domingo) you speak of having written me; and because this fleet which is going under command of D. Pedro de Ribera was already on the point of leaving at once, and at the same time the lawsuit which we are having with Cuervo⁸⁶ was under review and this terminated on Christmas Eve with the clearing up of the charges still pending and also the point as to whether he may leave this Court without putting up bond, I am writing you with the unpleasantness of not being able at present to send you a copy of all the proceedings so that you may understand everything of importance in the suit, what was demanded of Cuervo, the charges on which the Audiencia has condemned him and those of which they have absolved him;

84. Don Juan Ignacio Flores Mogollón was issued a title on 27 Sept. 1707. A.G.I., Mexico, 1216, title 362. He relieved Peñuela on 5 Oct. 1712 (A.G.N., Historia, 2, f. 75), ruling till 30 Oct. 1715, when he resigned and Capt. Don Felix Martínez became governor *ad interim* (*ibid.*, f. 82v.).

85. In the written instructions which Linares handed his successor in August 1716, he gave a lengthy and pretty terrible picture of the demoralized conditions then existing. Riva Palacio, *op. cit.*, II, 763-766.

86. The ex-governor, as explained above, who had served at Santa Fé 1705-1707.

Chacón y Salazar. Copy of the title (31 March 1705) is in A.G.I., Mexico, 1216; and of notice to the viceroy, A.G.I., Mexico 1079, vol. F43.

As it was this governor, better known as the Marques de la Peñuela, who instituted the Santa Fé Fiesta, it is amusing to know that from Mexico City he wrote back asking, because of poor health, that he be allowed to send a deputy to Santa Fé! He was curtly informed to go himself. A.G.I., Mexico, 376, LBB titles 705-6.

but even if this certified copy (which I shall always try to get) should not go, I'll see at once if I can get a simple copy of the decision *de vista y revista* so that by it you may know the amount, which, such as it is, would be very satisfactory if it were free and unencumbered by [the claim of] D. Pedro Sanches de Tagle as heir of the Maestro de Campo Luís Saens⁸⁷ for the settling of the account, the details of which I sent to you for that Court [in Madrid] and you returned it to me here. For this indebtedness I had given [Sanches] a security in writing, which he introduced in the proceedings of this same suit with Cuervo—as I have written you and as you will see by the certified copy which I will send in the fleet of General D. Juan de Ubilla⁸⁸ for two objects: first, to give you an account of what I have accomplished and that you may know I have applied my friendship and duty [toward you];⁸⁹ secondly, it is in order that, after it has been seen in the Council [of Indies], you may secure an official summons requiring Cuervo to appear through a legal representative, to see whether it is possible in the Council to secure the revoking of the decision by this Audiencia in what relates to the 8th charge, amending it by adding to your account with Cuervo a demand that he pay 15,500 pesos, the amount of what was furnished by Juan Paez,⁹⁰ my brother's executor, to the presidio [of Santa Fé]—and of this demand you will already have been advised from the copies of the receipts which I sent you—and on this point the Audiencia decided that he should pay the 9,000 pesos of the face value and costs of the products and merchandise and that, from the profits therefrom, a 25% should be added, and for us this means more than 75% [loss] without there being any

87. Saens is not identified. The family name "Tagle" suggests that the claim rested on old attorney's fees, or funds advanced. See note 46, *supra*.

88. Perhaps these later papers failed to reach Doña Isabel? At this time, the War of the Spanish Succession was being waged; and when Viceroy Linares was writing in August 1716 (*ut supra*) he mentioned a "recent disaster" to the fleet of this general.

89. The reading here is: y que conosca e exersitado mi finesa y obligacion.

90. Juan Paez Hurtado, as already explained, the acting governor till Cuervo's arrival.

reason why Cuervo should be favored in letting him retain it. When the certified copy goes, it will be very easy for you to get this order, for him to be summoned through an attorney, and, when the injustice of the decision is recognized, that they révoke it and full payment be made. Then we shall see if it is possible to pay Tagle and have something left for Your Grace, because up to now I have labored for this without being able to accomplish anything, since even a slave of those belonging to my brother which Cubero⁹¹ seized and claimed and which should be worth 250 pesos he [Cuervo or the Audiencia?] wanted to put under attachment but consented to sell him as a help in the great costs which I have incurred which exceed 800 pesos, as Your Grace will see from the expense account which I shall send you; and although, when the account of the Maestro de Campo is examined, it will be found that the amount of high interest which comes to more than 12% makes my account larger, if they are contested as usurious and unjust and should be reduced to 5%, this man is so powerful in this City and Kingdom as he has the Viceroy so under his hand, whose overseer (*director*) he is, and [also] all of the Audiencia, that they would regard me as crazy if I should bring suit against him. If you would satisfy yourself of the truth of this, question my lady, the Duchess of Alburquerque, and the Duke.⁹²

All [who intend to sail] are now leaving [for Vera Cruz].⁹³ And so to take care of this account which my brother had with the *Maestro de Campo* Luys Saens of which Don Pedro de Tagle is today owner and heir—a man so powerful that until the close of the suit with Cuervo he was indifferent—I have sought to find means of suavity and that thereby [the settlement] may be less severe and heavy; that by adjustment (to which I shall proceed) there may be a balance or that the collection be not so much, and that I may send Your Grace

91. Gov. Pedro Rodríguez Cubero. This detail may indicate that part of the earlier account was still unsettled.

92. Viceroy the Duke of Alburquerque had returned to Spain about two years before this.

93. *Van ya todos*: he seems to mean that he must close his letter and get it off.

something to help in the many urgent needs of which you write me, for if there had been [something] I would have sent it, since I am not of such slight consideration that, knowing the state in which the wars have put everything over there [in Spain], I should withhold from Your Grace any collection if I had had it. Tagle through his credit aims to seize whatever Cuervo has to give up; and when he [Cuervo?] tried to leave this city for that of Guadalajara where the treasury official is, believing that his being there would facilitate the payment in the settlement under this clause [of the judgment], which ran equally with the said Don Pedro de Tagle, he [Tagle?] gave consent but I opposed it; and in the end he [Cuervo?] departed in a discord which has continued—waiting until after this vacation and the end of the Christmas season, when the *relator* should make the liquidation. And since it is vacation, I doubt if I can send Your Grace a copy of the proceedings, but it—or the certified copy—will go at the first opportunity.

Now that we cannot realize from what has been accomplished in the suit with Cuervo since Tagle has to be paid, I give Your Grace the good news that I have succeeded in getting from the Treasury Council the decision that upon the grant of Your Grace will be applied the *media anata* which my brother (and your father) has paid, because the *encomienda* had not been located nor established, and it was ordered that the opinion (*parecer*) be followed which was submitted by Sr. Don Cristóbal de Villa Real, the particular judge of this branch [of the Court] and that dispatches be issued for its establishment and that the [revenue of the] first year be collected for the lodging and support of the officials of the Council of Indies,⁹⁴ as His Majesty directs in the cedula making the grant.⁹⁵ So I secured the dispatches and

94. . . . para las casas y aposento y oficiales del Consexo de Yndias.

95. Don Pedro was mistaken on this point. The stipulation that the king was to have (for the expenses of his Council) the entire revenue from the first year of the *encomienda* was not in the cedula as granted under Charles II on 21 August 1698 and further enunciated 21 February 1699; it was a proviso added under Philip V which first appears as a marginal alteration in the retain-copy of the cedula of 19 January

sent them, last September, to New Mexico, together with a transfer of power to Juan Paez and to Don Felix Martínez who is the captain of that presidio [of Santa Fé] and both of them *criados*⁹⁶ of my brother, to whom I have done various benefits so that they may do the [same] in the matter of founding this encomienda and collecting [the revenue],—which will be no little good fortune because of the barbarity of the Indians, although I have hope of their good success.⁹⁷ Up to this date I have had no news because of the great distance of more than 600 leagues of country and the meager opportunity for mails.

The collection of the first year pertaining to the King was committed to the governor of that kingdom⁹⁸ in the same dispatch, [ordering] that he aid in locating and establishing [the encomienda]. And with this very news of its not yet having been established, Your Grace will see that the “house has not fallen in on you,” nor could it be so in the mistake of [our] having thought that the revenue had ceased with the death of your father, since he had not *begun* it, nor founded nor established it. And for this reason, the *media anata* which he had paid—this is that from which you are freed, at least as to its half which is 1,200 pesos. Since the entire amount (as Your Grace will have seen from the *testimonio* which I sent you) is 2,400 pesos in-

96. There is no satisfactory English equivalent for *criado*. It indicates the social stratification by which one Spaniard looked to another for “patronage.” As the king at his court had gentlemen-in-waiting, so the viceroy had clients or followers, Don Francisco Vázquez de Coronado, e.g., was proud to be a *criado* of Viceroy Antonio de Mendoza. Lower in the scale, a governor like Don Diego de Vargas usually had *criados*; and any Spaniard of wealth and influence might be *patrón* to those below him.

Beside the two here named as *criados* of Vargas, Don Antonio de Valverde Cosío is often spoken of in this way. An interesting example is found in the testimony gathered by Cubero against Vargas in 1697 in which the witnesses say that Valverde “entró por criado del dho General (Vargas) y le serbió a su amo a la mesa todo el tiempo que gobernó este Reyno.” This was being a gentleman-in-waiting quite literally! A.G.I., Guad. 142, doc. 6; answers to question no. 1, *passim*.

97. Because of their revolt in 1680, Don Pedro here seems to confuse the generally peaceful Pueblo Indians with their wilder “unreduced” neighbors.

98. Don Juan Ignacio Flores Mogollón took office at Santa Fé on October 5, 1712, but his title had been validated at Mexico City on February 9. He must have been en route when these dispatches were issued in September.

1704. A.G.I., Guad., 70, LBB title 141. The dates show that Don Diego knew nothing of it.

cluding the cost of remittance [to Spain]; and I am not mistaken in my letters, because in the first ones which I wrote Your Grace on this point when I did not know what had transpired in New Mexico as to the state in which my brother had left this business and [when] by reason of the power Your Grace gave me I was seeking to trace out this matter, Juan Paez and Don Felix sent me the very dispatch which your father had taken with him,⁹⁹ and they wrote me how, by his early death after entering upon his governorship, he had not located the encomienda; and before I could write Your Grace, without knowing what was happening, nor could I have knowledge at such a distance which would give us a way of seeing whether what had fallen could be recovered. Nothing has fallen; this is shown by the very fact that [the encomienda] was not established, so that this encomienda which is now starting will not fail to be good, and now [also] two generations will be secured, because the claim will fare better with the certified copy which I shall send Your Grace of its having been put into effect under the *media anata* paid (as already said) by your father, and with documents and proof which will be sent that it has not been enjoyed nor established. And so I have written and advised Your Grace to draw up the *memorial* so as to have your own "life" declared the first, and that the second [generation] be granted to one of your children. And although now may not be a fitting occasion as you suggest, you can hope for the best [even if] it does not come quickly, and I trust in God that you may live many years and that afterwards one of my nephews may enjoy it.¹⁰⁰

On this point of the encomienda and the applying of its *anata*, not only do you owe the Viceroy nothing, but rather he has been opposed to justice, because only on Don Cristóbal de Villa Real and the members of the Treasury Council did

99. Very probably this was the certified copy of 13 April 1703 which is now with these letters in the *consulta* of 4 Nov. 1720. The text is not just the same as in the copy which Vargas had gotten a month earlier and sent to his son-in-law in Madrid. See note 70, above.

100. Doña Isabel had three daughters and one son, all referred to here as *sobrinos*.

I call, seeking their friendship, which they gave as wholly just. And so now this point less does Your Grace need to try for, wearying yourself in seeking letters of recommendation to this Viceroy, all of which are dead works which go into the treasure of the Church; and what you tell me as to the promises of all those at Court which are not realized here in this one who does little to keep faith and pledge, there is no need to wait, and will Your Grace so inform Sr. Don Alonso so that he may not waste his time—he nor the Sres. Don Gregorio and Don Gaspar,¹⁰¹ for what is not negotiated at interest does not facilitate respect or friendship. So let us believe that the weather has changed, and it is so; yet it cannot be worse nor more contrary to health, and in a business like this, although [it is] of an encomienda, in view of the doubt which its stability offers, I had nothing to offer you nor to burden Your Grace with until it be instituted, for if they were peaceful Indians it would be another matter.

The letters which I wrote to Your Grace and to Don Alonso and to Don Gaspar by the Admiral's fleet were lost, I think, because, although the chests were gotten out, since they were under water for many days they were rotted and only the loose ones which were in boxes were saved. I am writing to Sr. Don Alonzo with thanks for what favor he may have done me regarding my claim, although according to common talk this could not be secured; also to Sr. Don Gaspar, and I will do so to the sister of my lady Doña Juana.

At this date the Sr. Archbishop has not entered [Mexico City] since he has delayed in Puebla; his authority, if it be offered, will be of great help; I will give the letters [for him] to Fray Bernardo López, whom I will visit and whose friendship I will solicit in order to secure that of the Sr. Archbishop.

I am rejoicing in the news you give me of your good health and that of my nephews, which I trust you all may keep fully. My own I place wholly at the service of Your Grace, and you may believe me that I am not ceasing my efforts in these matters of

101. These men were evidently relatives or friends at Court, not identified.

business. The same thing which Your Grace tells me Villa Real wrote to Sr. Don Alonzo I wrote to Your Grace concerning his *parecer* (opinion) at that time, and with it was sent to the Treasury Council the point wherein he had the favorable decision about which I tell you above, and when the Admiral's fleet which was wrecked set sail, it was not much after the Council had met. For now this is all that I have to say to Your Grace, whom may Our Lord guard for me many years. Mexico, January 3, 1713.

Your very humble servant and uncle kisses your hand.

D. Pedro Alfonso de Vargas Luján (rubric)
[To] My dear Lady and Niece Doña Ysabel Maria de Vargas Pimentel.

Don Pedro's hopes were not realized for either himself or his niece. Death struck him down, while still in Mexico City and with his task unfinished. The following two letters throw some light on events of the next few years.

My dear Lady: Although in other letters I have inquired after the health of Your Ladyship, I have not had the good fortune of learning whether they reached your hands, and so likewise of making myself known to Your Ladyship as your *criado*—as I was for twelve years of the Marquis my Lord, father of Your Ladyship, until God was pleased to take himself to Himself. And although after this lamented death, and that of Sr. Don Juan¹⁰² I have been in this City various times with Sr. Don Pedro, your uncle (whom may God have),¹⁰³ and talked over the form which could be given in order that the Encomienda might be imposed and established which His Majesty (God guard him)¹⁰⁴ had given as a grant to the house of

102. Without much doubt, this means Juan Manuel, "oldest son" of Vargas. Since the writer next refers to the death of Don Pedro, before which event Martinez had made several visits (*algunas vezes*) from New Mexico to Mexico City—which would indicate a period of several years, it is reasonable to place the death of Juan Manuel within a few years after that of his father. If it had occurred before 1709, then Doña Isabel was not trying to "break the will" of her father in trying to get the *encomienda* for herself.

103. The usual formula in speaking of one deceased.

104. The formula in referring to a living sovereign, in this case Philip V. This

Your Ladyship in that Kingdom of New Mexico to the amount of 4,000 pesos yearly. None better suited was found [in our conversations] than that I should go as governor of that Kingdom, because, although Sr. Don Pedro secured dispatches so that the governor then serving should institute the [encomienda], he was not willing to establish it—offering frivolous excuses to the Viceroy, as the Señor your Uncle would have written to Your Ladyship.

And when the said governor offered his resignation from the time which he still had to serve (because the soldiers and residents had brought charges against him),¹⁰⁵ the [Viceroy] Duke of Linares allowed it and then appointed me for the unexpired time and sent me the dispatches [regarding the encomienda]. I took possession of the said government and when I had already arranged for the locating and imposing of the said Encomienda—as indeed I would already have imposed it—the said governor Don Juan Flores Mogollón (for so he is named) came to this City, and having found, recently arrived as viceroy, the Sr. Marqués de Valero, so many were the frauds, quarrels, and plots which he charged against me that His Excellency (since he was newly arrived and had no knowledge whatever of affairs in this Kingdom) acted solely from these vicious reports and issued a dispatch that I should appear before him, as I did at once. And when I had arrived, he ordered me to be held in this City and that the charges of which I was the target should be brought against me; in the which I am now contending, and it seems to me that they will be concluded shortly because His Excellency is now learning the truth and right [in the matter].

And finding myself at this Court, it has seemed to me very opportune to ask His Majesty to confer on me the government for five years even

105. The anonymous writer, in A.G.N., Historia, 2, f.82, offers a different explanation of his resignation: because of advanced age he suffered "attacks" almost continuously, and perhaps this ill-health was aggravated by climatic conditions.

shows that Martínez was acquainted with the encomienda in its final form, rather than as first granted by Charles II.

if it be in succession to Don Manuel de Porras,¹⁰⁶ in view of the long service I have given him in that Kingdom, for it is he (Porras) who now has it and is about to take charge.

With this in view, I am sending my papers to my agent, Don Sebastián de las Cassas y Llerena, so that he may present them in the Council [de Indias] and see if he can get it. And while writing to him at this time, I am writing to you as to my Lady, that you may "patronize" me, your *criado* in this petition by some endeavors with the gentlemen of the Council and with any outside, for I do not doubt that Your Ladyship will get them favorable; and I promise that, immediately upon taking possession, I will impose and locate the said Encomienda so that Your Ladyship and your House may have some relief and may maintain yourselves with the decency required by your exalted obligations. And if by some chance it [the governorship] should not be secured, I am writing to my said agent that he solicit some other convenient [position], and so likewise I beg Your Ladyship to look upon and regard me as your *criado*, for so I profess myself and will do so all my life.

It seems necessary to bring to Your Ladyship's attention so that you will be informed that this governorship is being sought by the Captain of the Presidio of El Passo, Don Antonio Valverde; and it is not convenient that this man get it because

106. There is a curious confusion here by Martínez in the names of two men, each of whom "bought" the office of governor of New Mexico and neither of whom assumed office! On 24 Oct. 1709, a title was issued (in view of services rendered—including 750 doubloons) to Don Manuel de Soldevilla for five years "in succession" to Flores Mogollón. On 2 Dec. 1719, a similar title was made out (for 5,000 pesos plus other services) to Don Plácido de Porras—to succeed Soldevilla (who hadn't taken office!) Both titles are in A.G.I., Mexico, 1216. In the second, Porras is called a "resident in the Indies" but there is nothing to show that Don Plácido lived in Mexico City.

There actually was in that city, however, a man named "Don Manuel de Porras" whom Martínez may have gotten mixed with Soldevilla. There is nothing to show that this Don Manuel wanted to be governor of New Mexico, but in 1718 he had acquired three other titles; a memorandum (San Lorenzo, 5 Nov. 1718) shows that he had gotten three out of eight posts on the list: he had paid 12,000 pesos to be a *corregidor* of Mexico City, 5,000 pesos for the *alcaldía mayor* of Cuernavaca "y sus agregados," and 1,800 pesos for the same honor at Cretano. A.G.I., Mexico, 379, Relación de los empleos.

it is he who joined up with Don Juan Flores¹⁰⁷ so that the Encomienda should not be established, because, although he also was a *criado* of [your] House, like an ingrate he rebelled—it has seemed to me wise to add this paragraph for what it might import.

I hope to be successful in my pretensions, having attached myself to the support and protection of Your Ladyship who will command me in whatever you might be served and advantaged by my small ability in these Kingdoms; and if my small letter should merit a reply, you can direct it [to me] in care of the same agent, or to Sevilla in care of Don Miguel Maestre, putting a cover [addressed] to Don Pedro Otero Bermúdez, resident of this City of Mexico.

I trust that Your Ladyship may be kept in the most perfect health, together with all the *Señoritos*—at whose feet will Your Ladyship place me. While my own [health] continues with ardent desires of finding many opportunities to use it in service of Your Ladyship and until I accomplish this, I pray the Divine Majesty to protect the person of Your Ladyship for the many years of which I have need. Mexico, July 21, 1717.

My dear Lady, your most attentive and faithful *criado* kisses the foot of Your Ladyship.

Phelix Martinez (rubric)

[To] My Lady Dona Isabel de Vargas, Pimentel

Seven months later, Juan Paez Hurtado was writing from Mexico City as follows:

Señora Marquesa de la Naba

My Lady: I saw a letter from Your Ladyship written to Captain Don Phéliz Martines de Torelaguna, and in it the commission regarding the collection from the encomienda upon the Indians of New Mexico, and this would already have been under way had there not occurred the sudden death of Captain Don Pedro Alphonso de Vargas, uncle of Your Ladyship, who transferred to me authority to get the said encomienda in operation. When I presented the dispatches before Don Juan Flores Mogollón, governor of that kingdom, he,

107. Governor Juan Ignacio Flores Mogollón who served 5 Oct. 1712 to 30 Oct. 1715.

with pretexts that these Indians were poor, assembled the residents of that kingdom and the religious of Saint Francis who minister to them, and one and another (to flatter the governor) made reports to the Duke of Linares¹⁰⁸ that it was not advisable for the Indians to be burdened inasmuch as they went out on campaigns at their own cost. But it is certain that they are not as poor as they say, and the governors burden them with sowings [of fields] and other duties, and the religious [do] the same; and when it might have succeeded, had the said Captain Don Feliz [continued to] govern that kingdom after the resignation of Don Juan Flores, at this time occurred the death of Captain Don Pedro de Vargas—which was so unfortunate for Your Ladyship. If you so please, you can secure a new cedula from his Majesty so that, notwithstanding what was represented by the governor, religious, and residents, the king's will may be duly executed; and so likewise can Your Ladyship secure another cedula (for whoever may be enjoying said encomienda) restricting the authority of the governor so that he may not prevent the exporting from the kingdom [of New Mexico] to that of Vizcaya and turning into money the effects which the Indians may pay.

I find myself a prisoner in this City in the houses of the Cabildo, and Don Feliz [is prisoner] in a room of the palace, because of Don Antonio Valverde, for this man is inflaming the things [charged] by Don Flores, forgetting that he was our comrade and that he ate the bread of the Señor Marquis, father of Your Ladyship and mine—for such I regarded him from the time when he departed from Spain until his death; so that Your Ladyship can understand that in whatever may be possible I shall cooperate for your greatest relief and comfort. And I shall pray God our Lord that he protect the important life of Your Ladyship in perfect health for the many years that I desire. Mexico, February 22, 1718.

Lady Marquis, your most humble servant
kisses your hand.

Juan Paez Hurtado (rubic)

108. His term as viceroy was 1711-1716.

Amid all the evidence of self-seeking and rivalries in the period following the reconquest it is refreshing to meet this solitary example of disinterested loyalty. Of the three *criados*, Valverde makes the least favorable impression—understandable perhaps if we remember that his allegiance to Don Diego de Vargas began only with the recruiting in 1693. In some ways he seems to have been closest to Vargas of the three, but clearly he was looking after his own interests; in 1699 he secured the post of presidial captain at Passo del Norte and possibly even then—certainly after the death of Vargas—he was openly hostile to the Vargas interests. Blocking the efforts of the other *criados*, he finally did get the governorship for himself, holding it from 1717 to 1722. Nor was Martínez wholly disinterested, for his appeal to Doña Isabel reduces to a *quid pro quo*: “You help me and I’ll help you—and in any case, you help me.” Only in Paez Hurtado do we see genuine loyalty to old ties of friendship—a fact which both did honor to himself and added lustre to the personal memory of the one who had inspired such loyalty. For him to write, even while lying in prison, that he had always regarded Vargas as his “father” as well as *amo* has in it the ring of true steel.

When the Marqués de la Peñuela initiated in 1712 the celebration of the Reconquest, it was a tribute to the distinguished service of Vargas for the Spanish crown. The letter which Paez wrote in a prison of Mexico in 1718 is, today, a fragile scrap of paper in the Archive of the Indies; but the ink is as unfaded as it was when he wrote—and so also unfaded is his tribute to Vargas as a man.¹⁰⁸

Doña Isabel in Madrid never saw the letter from Paez Hurtado, for at the very time when he was writing she lay on her death-bed.¹⁰⁹ With her passing, February 25, 1718,

108. An interesting account of events in New Mexico during this period, involving the parts played by these three *criados*, may be found in the *Restauración* already cited several times, in A.G.N., Historia, 2, especially ff. 82-85.

109. On January 22, 1718, she made her last will and testament, naming her four children as her equal heirs: a son, Don Diego López de Zárate, Marqués de Villanueva, and three daughters: the Doñas Rosalea, Maria Francisca, and Maria Manuela. An excerpt of the will is with the *consulta* of 6 Aug. 1720, in A.G.I., Mexico, 379.

ended any possibility that the generation in succession to the Reconquistador would enjoy any material benefit under the *encomienda*. Neither Don Diego de Vargas himself, nor his oldest son in New Spain, nor his daughter in Spain had ever received a *peso* from revenues which might have been collected in New Mexico under it. True, the granting of the *encomienda* by the king stands in history as one of the honors which were bestowed upon Vargas, but the honor was an empty one. Our study might close at this point except that the Vargas heirs made repeated efforts, during the next half century to make the *encomienda* effective. These efforts will be summarized briefly.

IV

On August 6, 1720, the King referred to the Council of Indies a *memorial* with accompanying papers, presented by Don Diego Joseph López de Zárate Vargas Pimentel Zapata y Luxán Ponce de León, Marqués de Villanueva de la Sagra, y de la Nava de Barçinas.¹¹⁰ He had petitioned specifically to be granted the *encomienda* originally given to his grandfather; that he be allowed credit for the *media anata* paid by the latter, and the residence exemption which was conceded to his mother. The matter went through the usual procedure, and the outcome—in Spain—was entirely favorable. While the documents submitted by the petitioner were not regarded as fully substantiating the facts stated, a *cedula* was sent in November 1720 to the viceroy directing him to investigate carefully and if he found, as represented, that neither the first grantee nor his daughter had ever en-

110. Don Diego was born 2 May 1691 (Pérez Balsera, *op. cit.*, p. 87), so that he was now twenty-nine years of age. Descendent of two illustrious lines, his full name is rather overwhelming. After his father's death he had succeeded to the first title (v. certified excerpt of the will with this *consulta*); after his mother's death, he has now qualified for the second. The origin of the title which his maternal grandfather had chosen, "Marqués de la Nava de Brazinas," is not known; but that it was of American rather than Spanish origin is evident from the misspelling here and elsewhere.

The date of her death is given in the printed *memorial* of Don Diego, with the same *consulta* and cited below. Additional data are given by Pérez Balsera, *op. cit.*, p. 84.

joyed any benefit from the *encomienda*, the viceroy was ordered to establish it for this grandson.¹¹¹ As the next record shows, the outcome, overseas, was as ineffective as before.

A *consulta* of February 6, 1728, reveals that a very important change in the situation had occurred. Whatever efforts the young marquis had made after November 1720 to get his *encomienda* into operation in New Mexico had proved unavailing, and in 1726 he persuaded the King to change the original *encomienda* in New Mexico into a "pension of 4,000 pesos annually for the days of his life, based in the Royal Treasury of Mexico upon the receipts from the *encomiendas* which had been, or should be, incorporated in the Crown."¹¹² From 1726, therefore, there would be no further attempt to make the grant operative in New Mexico.

Unfortunately for the Vargas heirs, however, a slip had been made by the Council in 1726 in not specifying the date from which the pension should be payable in Mexico City—hence the need for this supplementary action in 1728.¹¹³ His Majesty decided that the pension should date as from August 21, 1727, on which day the earlier action had been published; and the Viceroy Marqués de Casafuerte was so ordered.

But alas and alack! The officials in Mexico City proved to be as uncoöperative as had those in Santa Fé! It seems that "various accidents" intervened because of which it had not been possible to make any payments on the pension up

111. Besides the three original letters and the certified excerpt from the will of Doña Isabel, there is found with the *consulta* of 6 Aug. 1720 a 32-page certified copy of the record of proceedings at Mexico City in the spring of 1703 up to April 13—possibly the identical copy which Vargas had carried with him to Santa Fé and which Juan Paez later sent to Don Pedro in Mexico City.

Endorsements show that the papers were referred (Aug. 9, 1720) to the *fiscal*, who submitted his opinion. Then, after due consideration, the Council addressed (Nov. 4) a 16-page *consulta* to the King. His approval is endorsed: "Como parece"; some official marked it "Done," and a last notation shows it was "published" on Nov. 16, 1720.

112. This is from the facts as recited in the *consulta* here discussed. No documents relating to this change have been encountered in the archives.

113. The *consulta* of 6 Feb. 1728 turned up in A.G.I., Indiferente, 7. An endorsement cites the earlier *consulta* of 1 June 1726. The resulting royal cedula was dated 13 May 1728, the retain-draft being found in A.G.I., Mexico, 636, LBB title 742.

to the year 1737—when the Marquis again appealed to the King. Since the original grant had been made “to remunerate such distinguished services” (of the grandfather) and since nothing had ever been realized under it, His Majesty on January 20, 1737, issued a new cedula which was expressed in very decisive terms. Without any further delay and without regard for any other order which might seem to conflict, the entire amount then in arrears and current was to be paid, nor would any excuse in the future be admissible.¹¹⁴

This emphatic order at last got results, and as the liability had been set up at Mexico City as of August 21, 1727, a considerable amount must shortly have been paid over. Very possibly it was this sudden affluence which enabled the Marquis to publish in Madrid in 1740 his genealogical history of the illustrious Vargas family.¹¹⁵ Moreover, the annual payments were to continue to January 8, 1745—the date on which this grantee died.

Was this the culmination of the old Vargas *encomienda*? Yet once more, and for the last time, the matter was brought up for consideration in the Council of Indies. The year 1763 looked back on remarkable changes which had come to the Old World and to the New. Since the Reconquest of New Mexico, Spanish kings had come and gone: Charles II, Philip V, Ferdinand VI—in 1759 the Great Charles III had come to the Spanish throne. The Seven Years' War had been fought out, and when the treaty of peace was signed at Paris (February 10, 1763), over here in America, England had ejected both France and Spain from all territory east of the Mississippi river; and to compensate Spain for the loss of Florida, France had turned over to her the Louisi-

114. Retain-copy of the cedula is in A.G.I., Guad., 80, LBB title 202. Mistakes are sometimes noticed in documents which hark back over a considerable period. Here, e.g., we are told that the original *encomienda* “by the cedula of 30 Nov. 1720 was granted to Don Diego de Vargas Zapata, governor and captain general of New Mexico,” whereas, of course, he had died in 1704.

115. For the full title (and also four more family names which belonged to the Marquis!), v. J. M. Espinosa, “Notes on the Lineage of Don Diego de Vargas,” in *N. M. HIST. REV.*, x, 112-120.

ana country west of that river. Together with the kingdoms of New Mexico which had been recovered by Don Diego de Vargas at the close of the seventeenth century, Spain now held, therefore, all the vast region from the Mississippi westward to the California coast. And plans were already being discussed which might result in creating out of these northern provinces a new viceroyalty. That the part played by Don Diego de Vargas had not been forgotten is evident in the closing documents which deal with the old encomienda. Although many of the old grants of this kind had been extinguished down through the years, exceptions were repeatedly made in the case of descendants of *conquistadores*; and such Don Diego de Vargas had been.

It was probably in December 1762 that the king was memorialized by Don Antonio María López de Zárate y Vargas, Marqués de Villanueva de la Sagra, y de la Nava de Brazinas.¹¹⁶ Don Antonio had reviewed the facts with which the reader is already familiar, stating the reasons for the original *encomienda* and showing that it had been ineffective for either the Reconquistador or his next heir; he submitted a copy of the royal cedula of May 13, 1728, which revalidated the grant in favor of his father "for two lives," and as his father was now deceased he prayed that he himself should be honored with the grant for the "second life."

In his review and analysis of the claim, the *fiscal* agreed with the petitioner's presentation of the facts—up to a certain point. He called attention to an alteration in the terms of the grant when, in 1726 (and as reaffirmed in 1728), the petitioner's father had received in place of the *encomienda* "for two lives" a yearly pension of 4,000 pesos which was

116. The *memorial* has not turned up, but we know its purport from the documents here discussed. The *parecer* of the *fiscal* (25 Feb. 1763) and the *consulta* of the Council (23 Dec. 1763) are from A.G.I., Indiferente, 9. The latter begins: "By order of Your Majesty the Baylio Frey don Julián de Arriaga sent [us], with a paper of December 21 of the past year [1762] a memorial . . ." Register copy of the cedula, King to Treasury officials in Mexico (22 January 1764), is from A.G.I., Mexico, 3174, LBB title 460.

Don Antonio was a son, by a third wife, of the Don Diego who had died in 1745. Pérez Balseira, *op. cit.*, p. 94. We use the American spelling "Brazinas," though in Spanish records, from 1709, it usually appears as "Barçinas."

described as "for the days of his life." In other words, it had not been promised for a second generation. The *fiscal*, therefore, reasoned that upon the death of Don Diego Joseph in 1745 the royal grant was fulfilled and extinguished. It was his opinion, however, that this case came under an ancient "law of the Indies" whereby a pension or allowance (such as this seemed to be) which had been enjoyed by a "discoverer" might, after his death, be given and distributed to any remaining wife and children.¹¹⁷ Since Don Antonio was the oldest of seven children, he recommended that this course be followed and an allowance or gratuity of 4,000 pesos be distributed among them from the royal treasury at Mexico City.¹¹⁸ Of course, there was in this no suggestion of any payment of arrears from 1745, nor of future annual payments.¹¹⁹

King Charles III and his Council of Indies, in the year 1763, were burdened with far more momentous matters of business than a family claim which rested back on an *encomienda* of the seventeenth century. But when, in December, they finally gave it their attention, they fully approved the above suggestion, recognizing that it was a well merited reward of the distinguished services of the petitioner's great-grandfather, the Reconquistador Don Diego de Vargas, supplemented by those of his grandfather (Doña Isabel's husband) and those of his father. In fact, the Council in its *consulta* of December 23, 1763, went farther and advised that the grant to Don Antonio María be "for the days of his life." As an endorsement shows, the King agreed with this view of the case and the requisite cedula was dispatched to the treasury officials in Mexico City.

We have made no attempt to verify, from financial

117. The law was promulgated in the year 1548 and is found in the *Recopilación* (ed. 1756), Lib. VI, tit. xi, ley xviiij.

118. These seven children were all from a third marriage. There were also two daughters from the second marriage, both married at the time of the father's death in 1745 and not included in this adjustment in 1763. Pérez Balsera, *loc. cit.*

119. The death of Don Antonio María did not occur until July, 1792. Pérez Balsera, *op. cit.*, p. 100.

records in the archives, whether the orders of 1728 and 1764 were honored by the treasury officials in Mexico City. On paper, the payment of 4,000 pesos yearly from August 1727 to July 1792 totals up to an impressive aggregate—historically, it is unimportant whether the Vargas heirs received full payment or not.

Nor do the later vicissitudes of the Vargas *encomienda* which we have thus traced down to 1792 have any direct bearing upon the history of New Mexico. The fact of historic interest which emerges from our study of these later records, as from those prior to 1727, is this: that in the original granting of the *encomienda* in 1698 and in the revalidating of it through the fourth generation, whenever the claim came up for consideration, the deciding factor every time was that "the services of Don Diego de Vargas are very worthy of being regarded by Your Majesty and rewarded." Locally, the lustre of his achievements may seem to be dimmed by the unscrupulous activities of Cubero and his partisans and by the abrupt ending of Vargas' second governorship; but from the broader point of view of the Spanish colonial empire, the repeated approval of the *encomienda* claim shows a truer appreciation of the achievements of the Reconquistador.

NOTES AND REVIEWS

GRAN QUIVIRA-HUMANAS

THE SITE officially known today as *Gran Quivira National Monument* has twice been the object of toponymic errors. According to Twitchell, the name Quivira was given to the ruins at the end of the eighteenth century.¹ Twitchell disagreed with this designation,² following Bandelier,³ who proposed that the ruins be identified with the hitherto unlocated site of Tabir, where, according to Vetancurt,⁴ Friar Francisco de Acevedo had built a chapel sometime after 1628. Gran Quivira is therefore the official designation of this splendid mission endowed with two churches. Its less-known, but usually-accepted name is Tabir.

Tabir itself, however, is also a misnomer. No legitimate reason exists for confusing Gran Quivira with Tabir. It may readily be proved that two distinct sites are involved, and that Gran Quivira itself is properly to be identified with the frequently mentioned pueblo of Humanas.

Gran Quivira is without question the largest pueblo site in the Salinas region. The population figures given in 1679⁵ for the pueblos of the Salinas, as of 1672, state that more than five hundred families lived at Los Humanas, whereas Ab had somewhat over three hundred, Quarai over two hundred, and Chilil more than one hundred. Since Tabir is not mentioned, we may assume that its population was less than the least of these.

Quivira, unlike any extant mission site, possesses the ruins of two coeval religious establishments, one of them of considerable size. Now at a hearing in Mexico City in 1661,⁶ Humanas was described as "the most populous pueblo

1. *Leading Facts of New Mexican History* (Cedar Rapids, 1911) I, 232.

2. *Ibid.*

3. *Final Report*, I (1881), 131.

4. *Menologio* (Mexico, 1697), 81. *Chrnica* (Mexico, 1698), 103.

5. *Historical Documents Relating to New Mexico*, ed. Hackett, III (1937), 298.

6. *Id.*, 135.

in those provinces," *provinces* referring to the jurisdiction of Las Salinas.^{6a} Tabir was a separate *visita* of Humanas,⁷ served from Humanas by one of the ministers resident there. We learn furthermore that in 1660, the chapel of the pueblo of Tabir was located in Humanas itself,⁸ and that Friar Diego de Santander was engaged in building a large church, to supplement the other structure, for Humanas itself had not previously had a resident minister.⁹ In other words, neither pueblo was maintaining resident clergy before 1659, and Tabir evidently had no usable chapel, for its inhabitants worshipped in Humanas. With the advent of Diego de Santander as resident minister, Tabir still worshipped at Humanas, but figured officially as the *visita* of Humanas.

The identification of Humanas with Gran Quivira therefore rests upon population figures, as well as on the documented and actual existence of two churches within the same mission. Other details confirm the identification. Humanas was ten leagues distant from Quarai, and sixteen leagues from Chilil.¹⁰ These distances allocate Humanas to the approximate site of Gran Quivira. The ruins of Gran Quivira, furthermore, lie near an eminence known as the Mesa de los Jumanos.¹¹ The deep shafts and underground vents cleared by treasure hunters some years ago at Gran Quivira correspond to the many wells which supplied water for the pueblo in the 1660's.¹² Bandelier, finally, noted that the larger of the churches at Gran Quivira had probably never been finished, and placed its construction for that

6a. We question this interpretation of "provinces." Dr. Kubler is quoting from testimony vs. Nicolas de Aguilar who was *alcalde mayor* of the single jurisdiction or "province" of the Saline Pueblos. All such groups, together, comprised the "kingdoms" or "provinces" of New Mexico—such designation was common usage in Spanish times. Whether it was an exaggeration or not, Humanas was here described as the largest in all New Mexico.—L.B.B.

7. *Ibid.*

8. *Id.*, 143.

9. *Id.*, 135.

10. *Id.*, 135, 162.

11. Bandelier, *Final Report*, I (1881), 131. B. thought Humanas might be an alternative name for Tabir.

12. *Historical Documents*, III (1937), 162-3.

reason in the 1660's,¹³ just prior to the fatal Apache raids of the 1670's. His archaeological reasoning corresponds closely with the actual state of affairs in 1661 at Humanas. Mendizábal, as governor, sought to hinder work on the new church being built under Friar Diego de Santander;¹⁴ the Indians nevertheless continued work at their own risk, and some years later, in 1668, a famine at Humanas carried away 450 of the inhabitants.¹⁵ After 1672, finally, the Apache raids depopulated the entire jurisdiction.¹⁶

There is a long record of missionary activity at Humanas. Friar Francisco de San Miguel, chaplain to Oñate, probably attempted conversions among the Humanas during and after Oñate's visit in 1598.¹⁷ Oñate approached the Humanas from Abó, and found them living in three villages, one of them as large as Zia, and the others smaller.¹⁸ The first durable evangelization, however, is Benavides' before 1628,¹⁹ followed by the work of Friar Francisco de Letrado prior to his departure for the Zuñi country in 1631-2. Letrado is also credited with the building of a church at this time.²⁰ Possibly this was the chapel of which the ruins are in evidence at Gran Quivira today. In any case, after Letrado's departure, and before 1660, the pueblo was temporarily demoted from being a mission site, for in 1661 the settlement is mentioned as being either "a new conversion or one of the new ones which until now had not had a regular minister."²¹ Letrado's successor appears to have been Friar Francisco de Acevedo, the builder of Abó, for it is recorded that during thirty years prior to 1664,²² Acevedo always celebrated the feast of the patron saint of Humanas, San

13. Bandelier, *Final Report*, II (1884), 291.

14. *Historical Documents*, III (1937), 161, 199, 213.

15. *Id.*, 272.

16. *Id.*, 29.

17. Benavides, *Memorial* (Chicago, 1916), 272.

18. Bolton, H. E., *Spanish Explorations in the Southwest, 1540-1706* (New York, 1916), 233-4.

19. Benavides, *op. cit.*, 20.

20. Hodge, F. W., *History of Hawikúh* (Los Angeles, 1937), 91, n. 195.

21. *Historical Documents*, III (1937), 135, 145.

22. *Id.*, 146.

Buenaventura, in the pueblo itself. The site was therefore probably a *visita* of Abó until 1659,²³ when Friar Diego de Santander²⁴ undertook to build the new and larger church.

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NOTES AND REVIEWS

Coahuila y Texas en la época colonial. By Vito Alessio Robles. (Editorial Cultura, Mexico, D. F., 1938; xii—751 pp.; maps and illus., bibliog., index.)

Since July, 1931, it has been our pleasure to give review notices of the successive publications of this distinguished historian of our sister Republic. Returning after a year's absence, we were delighted to find on our desk a copy of this *chef d'oeuvre*, a fruition of the author's many years of research in a field which he has made distinctively his own. It is well documented, from his very valuable private collection and also from the archives and libraries of Mexico, Spain and the United States—the list of sources runs to twenty-seven pages—yet it is unusually readable.

The history of Coahuila has been too much neglected, while for that of Texas it is wholesome to have the correcting perspective of a Mexican authority. North of the Rio Grande, we have had too much of the anachronism of applying the present bounds of Texas to colonial times. Father Pichardo in 1811 used a mass of historical sources, not as history, but for an argumentative treatise to "build up" Spanish frontier claims—for example, his tracing the Coronado Expedition far over into eastern Texas (and leaving it there) is matched by the more recent interpretation of our Texan friends who argue that the search for Quivira never got beyond the Texan Panhandle! Therefore, Fray Juan de Padilla was a martyr of Texas. Q.E.D. We commend to their study the map here reproduced (facing p.

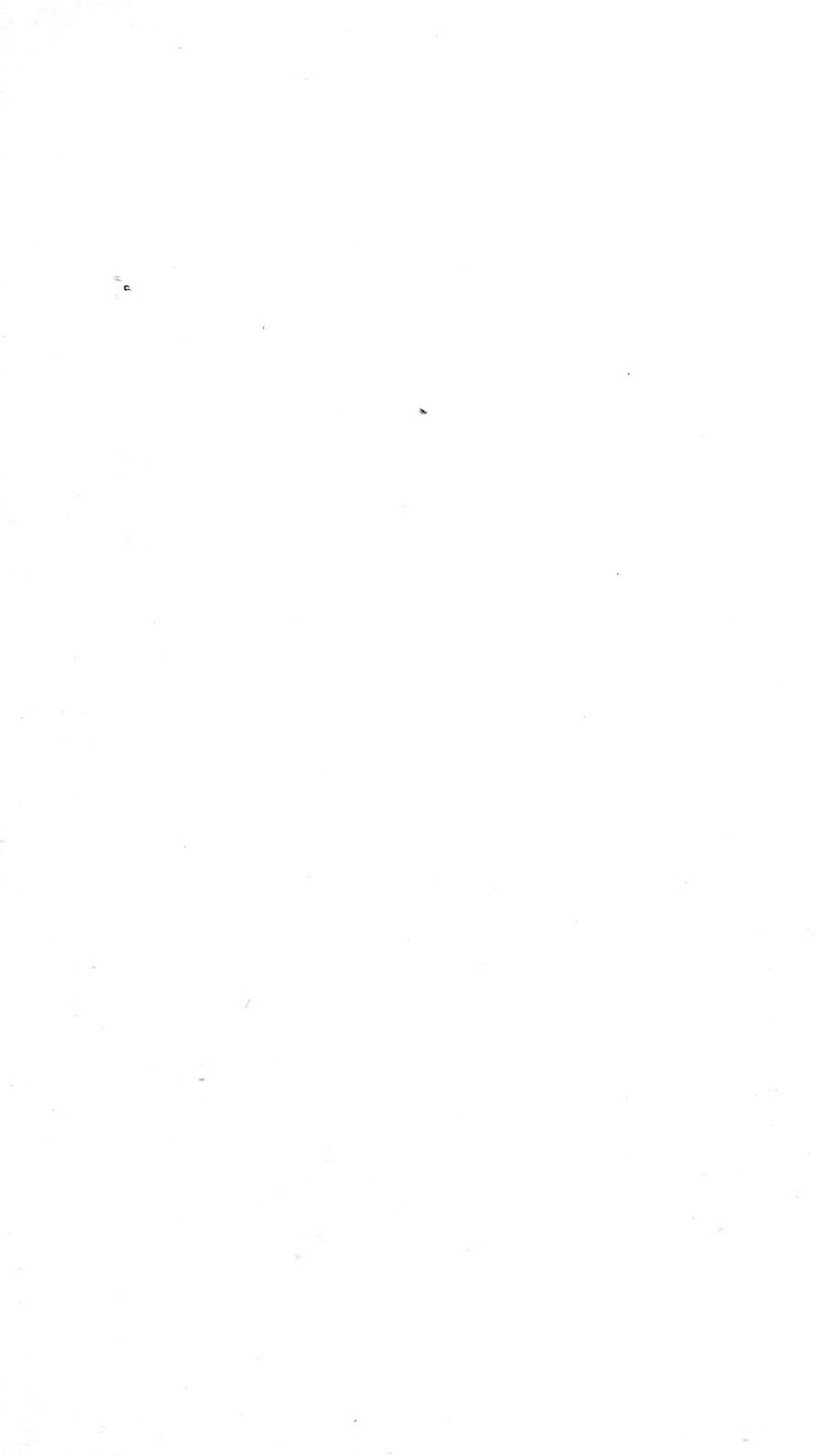
23. *Id.*, 163.

24. According to Governor Mendizábal, Diego de Santander was "very young" in 1659, and wished even to alter the pueblo. *Historical Documents*, III (1937), 216.

628), showing the earliest boundaries of Texas officially recognized (in 1815). Nuevo Santander extended to the Nueces River, Coahuila to the Medina River; and as the El Paso district was part of New Mexico until 1824, this province then extended eastward to the Guadalupe River! Even the presidio of San Sabá was not allocated to Texas until 1770 (p. 8). At the close of Spanish times, the Province of Texas, as an occupied region, was at most the coastal strip which included Béjar, La Bahía, and Los Adäes.

Of interest to our readers is the reference to *el camino de tierra adentro* (p. 15), described by Baron von Humboldt as extending from Mexico City north to Santa Fé, with branching roads to the east and west. This great central highway has been revived in recent years as a national auto road—and we wish that Don Vito would follow it north for the Coronado Cuarto-Centennial of 1940. Perhaps he would then give us a study of the Nueva Vizcaya-Nuevo México region similar to this one on Coahuila-Texas.

L. B. B.



ERRATA

- Page 48, line 22, *for Santa Fé read Taos*
" 63, note 64, *for Ruffus read Duffus*
" 160, line 10, *for Agney read Angney*
" 177, " 21, *for Cayugas read Cayguas (Kiowas)*
" 300, " 2, *read life is music*

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(INCORPORATED)

Organized December 26, 1859

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CONSTITUTION

OF THE

HISTORICAL SOCIETY OF NEW MEXICO

(As amended Nov. 19, 1929)

Article 1. *Name.* This Society shall be called the Historical Society of New Mexico.

Article 2. *Objects and Operation.* The objects of the Society shall be, in general, the promotion of historical studies; and in particular, the discovery, collection, preservation, and publication of historical material, especially such as relates to New Mexico.

Article 3. *Membership.* The Society shall consist of Members, Fellows, Life Members and Honorary Life Members.

(a) *Members.* Persons recommended by the Executive Council and elected by the Society may become members.

(b) *Fellows.* Members who show, by published work, special aptitude for historical investigation may become Fellows. Immediately following the adoption of this Constitution, the Executive Council shall elect five Fellows, and the body thus created may thereafter elect additional Fellows on the nomination of the Executive Council. The number of Fellows shall never exceed twenty-five.

(c) *Life Members.* In addition to life members of the Historical Society of New Mexico at the date of the adoption hereof, such other benefactors of the Society as shall pay into its treasury at one time the sum of fifty dollars, or shall present to the Society an equivalent in books, manuscripts, portraits, or other acceptable material of an historic nature, may upon recommendation by the Executive Council and election by the Society, be classed as Life Members.

(d) *Honorary Life Members.* Persons who have rendered eminent service to New Mexico and others who have, by published work, contributed to the historical literature of New Mexico or the Southwest, may become Honorary Life Members upon being recommended by the Executive Council and elected by the Society.

Article 4. *Officers.* The elective officers of the Society shall be a president, two vice-presidents, a corresponding secretary and treasurer, and a recording secretary; and these five officers shall constitute the *Executive Council* with full administrative powers.

Officers shall qualify on January 1st following their election, and shall hold office for the term of two years and until their successors

Article 5. *Elections.* At the October meeting of each odd-numbered year, a nominating committee shall be named by the president of the Society and such committee shall make its report to the Society at the November meeting. Nominations may be made from the floor and the Society shall, in open meeting, proceed to elect its officers by ballot, those nominees receiving a majority of the votes cast for the respective offices to be declared elected.

Article 6. *Dues.* Dues shall be \$3.00 for each calendar year, and shall entitle members to receive bulletins as published and also the *Historical Review*.

Article 7. *Publications.* All publications of the Society and the selection and editing of matter for publication shall be under the direction and control of the Executive Council.

Article 8. *Meetings.* Monthly meetings of the Society shall be held at the rooms of the Society on the third Tuesday of each month at eight P. M. The Executive Council shall meet at any time upon call of the President or of three of its members.

Article 9. *Quorums.* Seven members of the Society and three members of the Executive Council, shall constitute quorums.

Article 10. *Amendments.* Amendments to this constitution shall become operative after being recommended by the Executive Council and approved by two-thirds of the members present and voting at any regular monthly meeting; provided, that notice of the proposed amendment shall have been given at a regular meeting of the Society, at least four weeks prior to the meeting when such proposed amendment is passed upon by the Society.

Students and friends of Southwestern History are cordially invited to become members. Applications should be addressed to the corresponding secretary, Lansing B. Bloom, University of New Mexico, Albuquerque, New Mexico.

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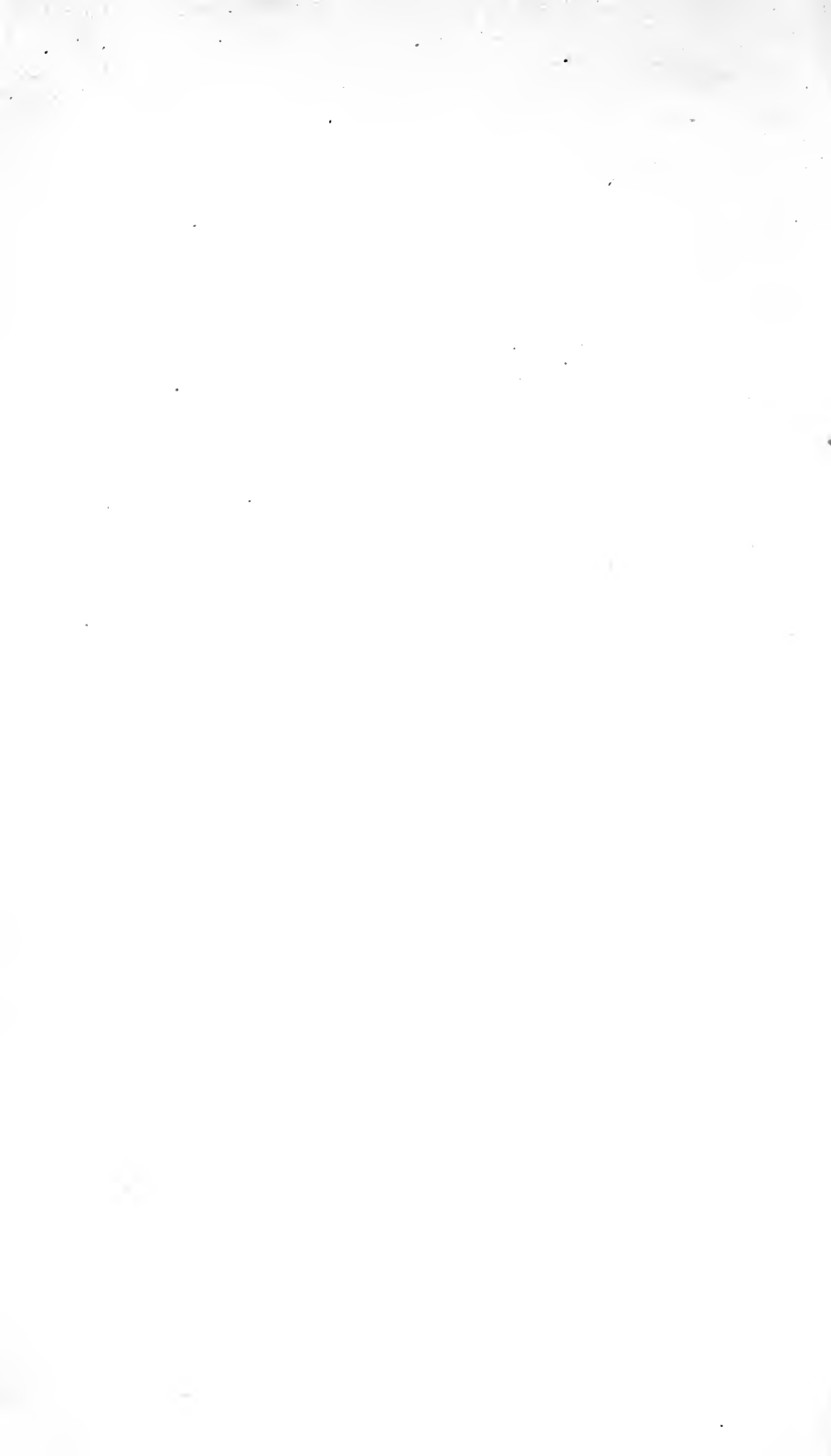
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