The American Occupation of New Mexico, 1821–1852

Mary Loyola
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.\footnote{Kohl, C. C., 
\textit{Claims as a Cause of the Mexican War} VII, 78; Maning, W. R., 
\textit{Early Diplomatic Relations between the United States and Mexico}, 252-275.}

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.

\textit{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
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. 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.

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. Ellis followed the letter of his instructions and, not receiving a satisfactory reply, demanded his passports, Dec. 13, 1836.

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-

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

... 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 con­
sequences 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 en­
tirely 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 magnifi­
cent acquisition to our Union should be made
within the period of his presidential term, and
apprehending that unlooked for changes and em­
barrassing 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 sub­
ject, 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 negli­
gence of the United States in preventing these movements,
together with the activities of Gaines, were noted carefully.

351, pp. 786-787; Marshall, T. M., A History of the Western Boundary of the Louisi­
a Purchase. 1819-1841, p. 171.
by Gorostiza and drew forth numerous complaints from him during the year 1836.\textsuperscript{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.\textsuperscript{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.\textsuperscript{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.\textsuperscript{15}

\textsuperscript{12} House Ex. Doc., 2, 24 Cong., 2 Sess., passim. See Marshall, 186 et seq.
\textsuperscript{13} House Ex. Doc. 105, 24 Cong., 2 Sess., pp. 47-50.
\textsuperscript{14} Congressional Globe, 24 Cong., 2 Sess. IV, p. 193.
\textsuperscript{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-

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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).
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:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Amount of claims decided by the board without reference to the umpire</td>
<td></td>
</tr>
<tr>
<td>Amount claimed</td>
<td>$595,462.75</td>
</tr>
<tr>
<td>Amount allowed</td>
<td>439,393.82</td>
</tr>
<tr>
<td>Rejected on their merits at the board</td>
<td></td>
</tr>
<tr>
<td>Amount claimed</td>
<td>51,492.25</td>
</tr>
<tr>
<td>Decided by the board not to be within the convention</td>
<td></td>
</tr>
<tr>
<td>Amount claimed</td>
<td>9,273.26</td>
</tr>
<tr>
<td>Claims on which the board differed which were reported to the umpire</td>
<td></td>
</tr>
<tr>
<td>Amount claimed for decision, and on which allowance was made</td>
<td>5,844,269.44</td>
</tr>
<tr>
<td>Amount allowed by American commiss.</td>
<td>2,334,477.44</td>
</tr>
<tr>
<td>Amount allowed by Mexican commiss.</td>
<td>191,012.94</td>
</tr>
<tr>
<td>Amount allowed by the umpire</td>
<td>1,586,745.86</td>
</tr>
<tr>
<td>Rejected by the umpire on the merits</td>
<td></td>
</tr>
<tr>
<td>Amount claimed</td>
<td>59,967.40</td>
</tr>
<tr>
<td>Amount claimed by American commissioners</td>
<td>57,754.42</td>
</tr>
<tr>
<td>Decided by the umpire not to be within the cognizance of the board</td>
<td></td>
</tr>
<tr>
<td>Amount claimed</td>
<td>1,864,939.56</td>
</tr>
<tr>
<td>Amount allowed by American commissioners</td>
<td>928,627.88</td>
</tr>
<tr>
<td>Cases submitted too late to be considered by the board</td>
<td></td>
</tr>
<tr>
<td>Amount claimed</td>
<td>3,336,837.05</td>
</tr>
<tr>
<td>Total awarded by the umpire</td>
<td>1,586,745.86</td>
</tr>
<tr>
<td>Total awarded by the American commissioners on reference to the umpire</td>
<td>2,334,477.44</td>
</tr>
<tr>
<td>Total awarded by the Mexican commissioners on reference to the umpire</td>
<td>928,627.88</td>
</tr>
</tbody>
</table>

(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:

20. For this interesting aspect of western extension see Lyon G. Tyler, *The Letters and Times of The Tyler's*, II, 262.
21. Ibid., 264.
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.
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

27. For a detailed discussion of Annexation see McCormac, E. L., James K. Polk, a Political Biography, 352-72.
28. Polk, Diary, Sept. 16, 1845.
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 in-
habitants 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 de-
fending so distant a possession, than she can pos-
sibly 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 difficul-
ties 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 re-
main a Mexican province, become a subject of dis-
pute 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 boun-
dary, the province of New Mexico should be in-
cluded 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 ad-
vantageous to her; and she would be relieved from
the trouble and expense of defending its inhabi-
tants 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.

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 rosette 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

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.\textsuperscript{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.\textsuperscript{34} The army left Corpus Christi and reached Point Isabel on the twenty-fourth.\textsuperscript{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.\textsuperscript{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

\textsuperscript{34} McCormac, op. cit., 375.  
\textsuperscript{35} Garrison, G. P., Westward Extension, 222.  
\textsuperscript{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-

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'estly considered the Rio Grande as the boundary of Mexico, is doubtful. 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." 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."

41. For a masterly discussion of the boundary question see, G. P. Garrison, Texas, pp. 262 et seq.
42. Benton, Thirty Years' View II. 639. 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.
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.  

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.  

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. GeneralArmijo 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.  

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

3. Emory, W. H. Notes of a Military Reconnaissance, 14. (Ho. Ex. Doc. 41, 30 Cong., 1 Sess.) ; Prince, Concise History of New Mexico, 178.  
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."

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.)
8. Benton, Thirty Years' View II, 583. 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.


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 Mex-
ico and extend over it the laws of the United States; that
they came not as conquerors, but as protectors for the ben-
efit of the people; that the authority of General Armijo had
ceased and that he himself was now the governor. He as-
sured 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 pun-
ished. 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 assem-
bling his forces, and that a vigorous resistance might be ex-
pected 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 hope-
lessness of the situation, had been opposed to resistance
from the beginning.15

13. Emory, op. cit., 27 et seq.
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 His-
torical Society of New Mexico.)
When at a short distance from Pecos, a letter was brought from Juan Bautista Vigil y Alarid, 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.

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."

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 Reconnoissance, p. 31 et seq.

of the province were quiet and could easily be kept so.\footnote{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.\footnote{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.\footnote{21}

\textit{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.\footnote{22} He also

\begin{footnotes}
\item[20] Prince, L. B., \textit{History of New Mexico}, 299.
\item[21] Cutts, \textit{The Conquest of California and New Mexico}, 64.
\item[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 Beauhien, 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., \textit{A History of Military Government in Newly Acquired Territory of the United States}, 115-116.)
\end{footnotes}
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. 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. 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, 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. 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.

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, 133.
29. Bancroft, Arizona and New Mexico, 431.
ico according to the arrangements entered into with Magoffin.\textsuperscript{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.\textsuperscript{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.

\textsuperscript{31} See above p. 76. With the unsatisfactory records which we possess in regard to Magoffin, this can be only conjecture.

\textsuperscript{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 "estanquillas" 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. Misc. 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

AMERICAN OCCUPATION OF NEW MEXICO

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.  

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

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

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.

46 Ho. Ex. Doc. 69, 30 Cong., 1 Sess., pp. 8-38.
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 Jicarillas\(^1\) 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

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1. "Jicarilla (Mex. Span. 'little basket')—An Athapascan tribe first so called by the Spaniards because of their expertness in making vessels of basketry" (Hodge, F. W., *Handbook of American Indians I*, 681).
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.

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.

Next in importance were the Navajoes, 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


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 1848-60, 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 Athabascan 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.
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

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, 262.)
reduced in numbers and possessions by their warlike neigh­
bor 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 Em­
peror Charles V, in 1551, and later adopted by Philip II.
This decree recites that the principal cause for lively interest
in the natives ordered 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.”

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

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.\(^\text{15}\)

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.\(^\text{16}\)

Subsequent events proved that in so far as this and other treaties of similar nature\(^\text{17}\) 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.

\textit{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:

\begin{quote}
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
\end{quote}

\(^{15}\) Hughes, J. T., \textit{Doniphan's Expedition}, 51.

\(^{16}\) \textit{Ibid.}, 51-72.

\(^{17}\) \textit{H. 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 whenever 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

nigh impossible an overwhelming task even under the most favorable circumstances.\textsuperscript{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,"\textsuperscript{21} and the confidence of Buchanan that his government had the will and the power to restrain the wild tribes,\textsuperscript{22} were more a hope than a fact.

\textit{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.\textsuperscript{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.\textsuperscript{24} On February 3, 1849,

\textsuperscript{20} Rippy, J. F., \textit{The Relations of the United States and Mexico, 1848-1860,} 112-113; Calhoun, \textit{Correspondence,} passim.


\textsuperscript{22} \textit{Cong. Globe, 30 Cong., 2 Sess.,} p. 495.

\textsuperscript{23} \textit{Niles Register, Nov. 6, 1847, Vol. 73,} 155.

\textsuperscript{24} \textit{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

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 Isleta, 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.
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 superintendant...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 cooperation, 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. Thus the American population was decreasing. Many went to California or returned east.

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.

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.
AMERICAN OCCUPATION OF NEW MEXICO 191

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 to 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., 81, 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, Navajoes, 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

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, 48.
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.53

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.

56. Rippl, 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. Some would even return the newly acquired land to Mexico and even give her a few millions to take it back. 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.

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.

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.

61. Calhoun, op. cit., 386.
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 coöperate 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

64. This account of the efforts made by Mexico to protect herself is based on Rippy, J. F., Relations of the United States and Mexico, 1848-1860, 135-161.
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 Muskogees, 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.