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SOME GENERAL ASPECTS OF THE GADSDEN TREATY*

By Frederic A. Coffey

The majority of our general United States histories have little to say concerning the Gadsden Treaty. One concise reference reads:

The net result of the efforts at expansion southward was an acquisition of minor importance. In 1853 James Gadsden, representing the U. S., purchased from Mexico at a cost of $10,000,000, a strip of land lying to the south of the Gila River. By this act a boundary dispute was settled with Mexico, and the U. S. acquired a tract of land, which, according to surveys of the War Department, was needful for the building of a transcontinental railroad along a southern route.

Thus Schlesinger succinctly tells the story. In the light of the panorama of events coming full and fast from 1846 on for over a decade, it is not strange that the historians have passed the treaty up, to emphasize the things which for longer periods held the attention of the nation.

Future standard works of history are not as apt to ignore entirely the Gadsden Treaty as Channing and Basset have done. There are several reasons why the Gadsden Treaty deserves greater emphasis at the hands of our general historians.

* Paper read at the Southwestern Division, A.A.A.S., State College, N. Mex., May 2, 1933.
1. Schlesinger, Political and Social History of the United States, 1829-1925, pp. 139-140.

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From an engineering viewpoint the "Gadsden" railroad route is still accepted as the most satisfactory transcontinental route. While the central route today outranks it in point of freight tonnage, the difference is surprisingly little considering the northern destinations of a large portion of the goods carried in the east-west transcontinental traffic. Second, from a highway viewpoint it remains literally the Broadway of America. The whys and the wherefores of the territorial acquisition through which it passes is becoming a matter of increasing interest to the American tourist.

Third, it deserves a place in the historians’ more or less exhaustive story of the westward movement. Following the lead of Von Holst and especially Rhodes, our historians have considered that the only things to record after the Mexican War were those events of a sectional nature which reflected some aspect of slavery or involved questions of constitutional interpretation. It remained for Dr. Frederick J. Turner to point out the significance of the American frontier. Broadened, that meant essentially the influence of the westward movement upon American history. Paxson, Alvord, and others have followed, while Garrison, Bolton, Webb, Barker, Marshall, etc., have restricted their studies more completely to the general Southwest. It is to the southwestern phase of the movement that the Gadsden negotiations and treaty belong.

Before the Mexican War our pioneers had penetrated beyond the accepted territorial confines of the western United States either as explorers, traders, or settlers into Texas, New Mexico, California, and Oregon. The campaign of 1844 served to crystallize American thinking on the problem of the relations between the United States and at least two of these areas, namely, Texas and Oregon. The "reoccupation" of Oregon or "54° 40' or fight," and the "reannexation" of Texas were campaign slogans. Polk, having advocated before the people both slogans, won the verdict over Clay and Birney. The story of Polk's success in carrying out our "Manifest Destiny" then followed.
With the Oregon issue settled in June, 1846, the energies of the government were more directly focused upon our problems with Mexico. Then it was that the Polk administration aggressively or otherwise caused the United States to engage in a conflict with Mexico. This paper is not concerned with the causes of the Mexican War except in so far as they shed light on the treaty of 1853. It engages in enough controversial points.

As a matter of fact our relations with Mexico involving the desire of the United States for territory go back to much earlier dates. As early as March, 1827, Adams' secretary of state, Henry Clay, negotiated through Joel Poinsett for a revision of the Treaty of 1819 line and the purchase of Texas. It is definitely established that overtures were made by the Jackson administration to purchase Texas and an additional strip of territory extending westward to the Pacific and including the Bay of San Francisco. No progress whatsoever was made under Poinsett and the negotiations came to naught as Justin H. Smith tells us in his monumental work, The War with Mexico, with the recall of that swashbuckling politician, Anthony Butler. Again, in 1845, John Slidell was sent to Mexico with the instructions to take up the claims of American citizens against Mexico, the settlement of the boundary in the upper stretches of the Rio Grande, and the purchase of California.

Polk was mild, however, in his reference to California as he instructed Slidell to negotiate for its purchase only if the endangering of the restoration of friendly relations with Mexico could be avoided.

Two things stand out in these early negotiations so far as the place of the Gadsden Purchase in the westward movement is concerned. First, the desire for southwestern territory preceded the slavery controversy as a marked

2. Latané, A History of the American Foreign Policy, p. 239.
national issue. This means that while slavery is involved in the territorial acquisitions of the southwest the picture is much clearer when the territorial gains from Mexico are conceived to be fragmentary to the whole westward movement. The reader is invited to investigate Frederic L. Paxson's viewpoint as found in his work, *The History of the American Frontier*. Then, the negotiations indicate a rather ambitious "manifest destiny." One will recall that Polk authorized Slidell to acquire California and New Mexico. The amount of territory desired would naturally increase following a victorious war. So it is not strange that when Trist presented a smaller acquisition than the administration desired a later Democratic administration worked for more territory.

This aspect of the background of the treaty of 1853-54 deserves more detailed treatment. The Mexican War was fought with California becoming independent and passing rather immediately under American control, Kearny being successful in his conquest of the Southwest, and Taylor winning a presidential nomination at Buena Vista, and Scott storming the heights of Chapultepec to force a treaty of peace.

The peace treaty signed at Guadalupe Hidalgo on February 2, 1848, was negotiated on the American side by Nicholas P. Trist. Rippy in his *The United States and Mexico* comments:

> And by this time the unprecedented conduct of the American commissioner had provoked Polk into authorizing his recall. Trist refused to take notice of a small matter like this, however, and proceeded to negotiate a treaty in accordance with the instructions which he had received almost a year before . . . It was reluctantly received by an embarrassed administration and soon accepted by the government of both countries."

Rippy's comment on Trist simply points to the accepted conclusion among American history students that the
treaty did not secure the amount of territory which the Administration had expected to receive from Mexico. Trist was authorized "to acquire New Mexico and Upper California and, if possible, Lower California." For the three states he was to pay not more than $25,000,000, and for the two not more than $20,000,000. Just what the boundary should be in order to acquire these states varied. Should he be successful in securing New Mexico and both Alta and Baja California the boundary line should run as follows:

Commence in the Gulf of Mexico, three leagues from the land opposite the mouth of the Rio Grande; from thence up the middle of that river to the point where it strikes the southern line of New Mexico; thence westwardly along the southern boundary of New Mexico to the south-western corner of the same; thence northward along the western line of New Mexico, until it intersects the first branch of the river Gila; or if it should not intersect any branch of that river, then to the point on the said line nearest to such branch; and thence in a direct line to the same, and down the middle of said branch, and of the said river, until it empties into the Rio Colorado; thence down the middle of the Colorado, and the middle of the Gulf of California to the Pacific ocean."

All of the proposals originating either in Washington or with Trist included as much territory as was finally acquired in the treaty and in addition called for an outlet on the Gulf of California. Certainly Trist acquired a minimum of territory while he may be said to have abided by his rather out-of-date instructions.

Evidently as the war progressed there grew a greater demand for territory among the Americans. There were those who counseled the acquisition of the entire area of Mexico. Less inclusive but sufficiently impressive were the senate demands advanced by Senators Houston and Davis.

8. Ibid.
Houston wanted to draw a line across from Tampico to Lower California at a point on about the 25th parallel. Finally the boundary provision of the treaty of 1848 provided for the Rio Grande as the boundary up to the southern boundary of New Mexico. No specific parallels or meridians are mentioned in the treaty but the city of Paso is referred to. The boundary west was as described above in Trist's instructions of April 15, 1847. The question which had to be worked out was what were the southern and western boundaries of the Mexican State of New Mexico. Therefore it was provided:

The southern and western limits of New Mexico, mentioned in this article, are those laid down in the map entitled "Map of the United Mexican States," as organized and defined by various acts of the Congress of said republic, and constructed according to the best authorities. Revised edition. Published at New York, in 1847, by J. Disturnell, of which map a copy is added to this treaty, bearing the signatures and seals of undersigned Plenipotentiaries.

The guide selection as to maps might have proven all right except that Disturnell's map made some substantial errors. El Paso was located at about 32° 15' north whereas it is located at 31° 45' north. He further had El Paso and consequently the adjacent areas and surface features too far to the east by about two degrees. Without involving ourselves further in the details of the boundary dispute, suffice it to say that it resulted in agitation for the United States to settle the boundary issue by purchasing the disputed area.

First it is noted that the "Purchase" is explained as a phase of the westward movement. Second, the solution of the southwestern boundary dispute was made through the United States acquiring a newly defined boundary farther to the south. Third, the purchase is to be explained in terms

9. Ibid.
10. Dr. P. M. Baldwin in the April, 1930, issue of the New Mexico Historical Review has a very scholarly paper on "The Boundaries of New Mexico."
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of other parts of the treaty of Guadalupe Hidalgo as well as the changing scene in the United States itself.

There were other important provisions in the treaty which had a bearing on the future Gadsden Treaty. Article XI of the Trist treaty provided that the United States would assume the "obligation of preventing Indian incursions into Mexican territory and restoring Mexican citizens captured by the Indians." The magnitude of the task assumed under this article was not fully realized by the United States when Buchanan as Polk's secretary of state asserted:

That his government possessed "both the ability and the will to restrain the Indians within the extended limits of the United States from making incursions into Mexican territories as well as to execute all the other stipulations of the eleventh article."

It seems that the United States made some considerable effort to carry out this provision. James S. Calhoun was made Indian agent for New Mexico in 1849. J. C. Hays was sent among the Gila Apaches. In all cases, however, there seems to have been a notable lack of means and equipment with which to secure results. While troops were scattered along the southwestern frontier they were decidedly too few in number to check materially the Indian depredations.

With the failure to prevent the Indian raids from one side to the other the United States found claims being accumulated against it. Constant references were made to the situation by the Mexican minister at Washington. Webster, who became Taylor's secretary of state in 1851, instructed Letcher, the American minister to Mexico, to secure a release from Article XI and the similar provision of the treaty of 1831. He saw a mounting of the exaggerated and fraudulent claims for indemnification." A monetary consideration for the release of the United States from

11. P. N. Garber, Thé Gadsden Treaty, p. 27.
12. Rippy, United States and Mexico, p. 83.
the eleventh article was contemplated but the funds were to be used in fulfilling Mexico's obligations under the claims convention of 1843 which was unsatisfactory to that nation.

Negotiations moved slowly although pushed by Letcher. Rising financial demands of the Mexican government came to exceed the minimum Letcher was prepared to offer and so the negotiations came to a close. Alfred Conkling succeeded Letcher as minister to Mexico but with continued heavy demands being made by the Mexican minister of foreign relations the matter stood as of the treaty of 1848 when Gadsden arrived in Mexico in 1853.

The treatment of the Gadsden Treaty has been done by Paul Neff Garber. His is the most authoritative specialized study of the agreement. One cannot refrain from observing, however, that it is far from the last word in the matter and that his lack of scrutiny has prevented it from being the monumental work that such a doctorate effort should be. There is work yet to be done. The Spanish viewpoint is much better presented by Rippy in his incidental treatment. Dr. P. M. Baldwin has clarified much more the boundary aspects of the Treaty of Guadalupe Hidalgo. An exhaustive study inclusive of these and other things is desirable.

It is from Garber, however, that we gather the story of James Gadsden. Gadsden, which is spelled G-a-d-s-d-e-n, was born in 1788 and so he was 65 years of age when he became minister to Mexico in 1853. He came from an old family of Charleston, South Carolina. Following his graduation from Yale in 1806, he became a merchant in Charleston. He then served with distinction in the War of 1812, to continue his services afterward as an expert engineer and aide-de-camp to General Jackson, who campaigned in the Southwest against the Indians after the War of 1812.

Gadsden struck up a very close friendship with General Jackson, which was to be broken only by the acceptance by Gadsden of the South Carolina position on the doctrine of nullification. Through Jackson he was rapidly advanced
in the army until the senate refused to affirm Monroe's appointment of him as adjutant general of the army. He then became interested as a negotiator and as a settler in Florida.

By 1839 Gadsden was back in Charleston. His merchant connections served to arouse his interest in interior contacts and in 1840 he became the president of the Louisville, Charleston, and Cincinnati railroad. In life one experience and one dream leads to another, and next Gadsden became interested in furthering the "plan of a southern railroad to the Pacific Ocean." The plan so crystallized in Gadsden's mind that he had Charleston as the eastern terminus and South Carolina on an intimate basis with the west. At the Memphis convention in 1849 he was advocating a transcontinental road with a route along the Gila river.

By 1853 Gadsden had become an ardent secessionist but was not and had not been interested in the acquisition of large territorial areas from Mexico except in so far as a natural boundary between the areas could be effected. The slave-holding aristocrats were not such ardent advocates of large territorial gains from Mexico, but when the issue of a transcontinental railroad arose they were ready to swing its routing into the Southwest.

Is it strange, therefore, that Jefferson Davis brought his influence to bear upon President Franklin Pierce in the selection of Gadsden as minister to Mexico? Gadsden had common interests with Davis and above all he was safe in contrast to the defiant Trist of 1847-48.

With one exception the instructions to Gadsden indicate the nature of the problems discussed by him with the Mexican representatives. He was expected to ignore the Garay-Tehuantepec Isthmus grants in the negotiations, but to effect a solution of the Mesilla Valley boundary dispute.

This boundary problem involved the problem of a railroad route. The Guadalupe Hidalgo Treaty in Article VI had provided:

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that if, in the future, a road, a canal, or railroad should be constructed which should run along the Gila River, within the radius of one marine league of either the right or the left bank, the two countries were to form an agreement as to its construction.

Then as the boundary commission of Bartlett and Condé swung into action and reports were made in turn by Bartlett, Gray, Whipple, and then Emory, the question as to whether an adequate route had been secured by the Trist treaty was raised. Bartlett thought a railroad could be built along the Gila. Gray thought it would have to come well below the Gila and Lieutenant Whipple declared that the railroad would have to pass into Sonora to miss the Pinal Llano mountains. Colonel Emory insisted that a practical route lay only to the south of the locations advocated by Bartlett and Gray.

Secretary of State Marcy was convinced that additional territory south of the Gila was necessary for a railroad but he could not be definite without a survey. Therefore he expected Gadsden to secure sufficient territory for a practical railroad route with compensation in a moderate amount being granted Mexico.

Gadsden's further instructions had partially to do with the eleventh article of the treaty of 1848. As previously suggested the time had come to seek a release from its obligations.

Gadsden reached Vera Cruz in August, 1853, and on the 17th of that month held his first interview with Santa Anna. He was destined to negotiate with Bonilla, minister of foreign relations, and later a commission composed of Bonilla and two engineers.

It is unnecessary to follow the minute details of the negotiations as the conference and exchange of notes occurred. Little can be gained by such a cataloging. It is well to note the trend of the negotiations and the position of Gadsden after the arrival of instructions from Washington via Christopher L. Ward.
By October no progress had been made except that Gadsden now understood the situation much better. More and more he came to the conclusion that money would solve the problem and that Santa Anna’s government would soon be sorely in need of it and might be overthrown. Gadsden’s communications to Secretary Marcy pictured the opportunity as soon to come if only he were in a position to capitalize it. The impression he made upon Marcy was that the issue was not the amount of territory to be ceded but the amount of money to be passed. Marcy, accepting more or less Gadsden’s recommendations, proceeded to provide him with further and detailed instructions.

Ward was therefore selected “as a special secret messenger” and was sent to Mexico “to communicate verbal instructions to Gadsden for the negotiation to a treaty.” Ward’s message from the department of state was concerned, according to the department’s filed memorandum, with six possible boundaries between the United States and Mexico and the maximum sums which might be paid for any of the territorial gains.

Boundary No. 1 proposed through Ward was the choice of President Pierce. The line would have transferred “a large portion of what was then the northern part of the states of Coahuila, Chihuahua, Sonora, and all of Lower California.” The line was based upon divides and mountain barriers and was therefore considered to be of a permanent nature. Gadsden was authorized to pay up to $50,000,000 for this line. The No. 2 proposed line did not go as far south of the Rio Grande as No. 1 nor did it include Lower California. $35,000,000 was authorized for this line. Line No. 3 did not extend far below El Paso but it included the Peninsula of Lower California for all of which $30,000,000 could be paid.

Line No. 4 differed from line No. 3 in that Lower California was excluded and only $20,000,000 was authorized as a maximum payment.

Line No. 5 got down to the minimum requirements of the United States. It provided for a line to be drawn from the Rio Grande west along the parallel of 30°48' to the Gulf of California. Release from all damage claims under the treaty of 1848 and the abrogation of the eleventh article of the said treaty were to be included as considerations should Gadsden offer up to $15,000,000. The sixth line made a fairly slight variation from the 5th by starting from the Rio Grande at the 32nd parallel. 15

As the filed departmental memorandum shows, Ward's instructions were concerned with the above matters. However, Ward from the beginning began to stress the desirability of securing recognition of the claims now held by an American company based upon the Garay-Tehuantepec Isthmus grant. Another grant had been subsequently made by the Mexican government known as the Sloo grant which is to be associated with the Conkling convention. Doubting that Ward was relaying the true desires of the president or Secretary Marcy, Gadsden compelled Ward to put his message in writing which Ward reluctantly did. The sum total result of the agitation for a recognition of the Garay grant was to embarrass the negotiations and delay the solution of the boundary problem.

Other things embarrassed the negotiations. It became evident that Santa Anna's government relied heavily upon the representations of Almonte, its representative at Washington, who reported the Americans as wanting a railroad route so much that a heavy price might be exacted. Further linking up of claims, the Garay grant, and the sum to be paid for territorial gains complicated things. Then, too, there is little doubt but that Gadsden himself embarrassed things by his bluster and intimidation. Ward was not always the one saying what he should not say.

The Walker filibuster expedition into Lower California came at exactly the wrong time for Gadsden. The situation

in the Mesilla Valley was unsatisfactory as well. Governor Lane of New Mexico had intimated that he would occupy the disputed territory and break the status quo agreement which Gadsden had made with Santa Anna toward the beginning of the negotiations.

It was rather evident as negotiations continued that Santa Anna was not interested in ceding any more territory than could be avoided because he felt that it would mean the overthrow of his government. While his need for money was great, except for personal uses the money would mean little should he be out of power.

It is not surprising therefore that when negotiations reached the point of presenting a treaty draft as a basis for discussion it hinged around boundary No. 5, a line calling for a minimum territorial gain. The treaty was worked out in conference from Dec. 10 to Dec. 30, 1853, in Mexico City. It was signed at the American legation building on the latter date. The boundary proposal which was accepted was suggested by Bonilla and accepted on Dec. 23. The remaining conferences were concerned with the problems of compensation and claim recognition.

In all the treaty had ten articles. Article I outlines a new southwestern boundary as follows:

It began on the Rio Grande at latitude 31° 47' 30" N. passed thence by a right line to the intersection of the 31st parallel with the 111th meridian, thence by a right line to a point in the Colorado River two marine leagues north of the most northern part of the Gulf of California, and thence up the middle of that river to the boundary fixed by the Treaty of Guadalupe Hidalgo.

Article XI of the Hidalgo Treaty was abrogated with the United States promising to aid Mexico against the Indians. The United States assumed all claims of Americans against Mexico (which was estimated at $15,000,000). A claims commission was organized. Navigation of the Colo-

rado, Gulf of California, and Brazos rivers by Americans was not to be interrupted.

Certain parts of the treaty of Guadalupe Hidalgo were reaffirmed. Mexican land grants in the ceded territory were recognized. A “promise of mutual co-operation to suppress filibustering expeditions” was made.

Space precludes a treatment of Gadsden’s attitude and whether he thought he accomplished much. The latter can be explained by what he said to the custom official who interrogated him at New Orleans. “Sir, I am General Gadsden. There is nothing in my trunk but my treaty.”

Christopher Ward, however, was the treaty bearer to the president. He delivered the inter-country agreement to the president on January 19, 1854. The interesting thing was that the public, through the columns of the New York World, “knew” about the treaty sooner than Washington and knew its contents only one day later than Washington. At least this early scoop indicated possibilities of intrigue and under-cover pressure which Gadsden charged impaired his efforts all during the period of negotiation.

The president and his cabinet proceeded to hold up the treaty for almost daily discussion until February 10. As Polk had found himself in a dilemma over Trist’s treaty, Pierce found reasons for disapproving this agreement as well as accepting it. Naturally he was surprised to find any recognition of the Garay grant so the recommendation to amend article III, was made to the senate providing for the omission of any recognition of this claim. Two other recommendations were made to the senate. While Article XI of the Guadalupe Hidalgo pact was abrogated by Article II of this treaty the United States was still obliged to restrain the Indians along the international line. Pierce thought this obligation should be recognized as being mutual. Pierce’s third suggestion was that the agreement in Article VIII concerning “the method by which the United States should co-operate in the suppression of filibuster raids” was too specific in its stipulations and therefore

16. Rippy, United States and Mexico, p. 148.
should be made much more general. Pierce was willing to pass the treaty on for the senate confirmation with these changes even though he still had a somewhat divided cabinet over the matter.

The senate as a body, due to other business, rather ignored the treaty from Feb. 10 to March 13. The committee on foreign relations reported the treaty out on March 9. The committee report was substantially as Pierce recommended except that the committee personnel did not feel so antagonistic to the Garay claim.

A detailed discussion of the senate treatment of the document will give us little additional light. The nature of the alignments that developed and the ultimate changes as the treaty was finally formed are more important. Rippy has classified the senate lines of cleavage into five groups. There were the anti-slavery irreconcilables who naturally opposed the territorial gain which might add to the domain of the slave-holders. A few, led by Senator Mason of Virginia, were ready to accept the treaty as Gadsden had signed it at Mexico City. Another bloc favored the treaty as it was signed, except to recognize the Sloo-Tehauntepec claim as opposed to the Garay claim. A fourth group agreed with Senator Rusk that only enough territory to provide “a feasible railway route” should be acquired. The fifth group, led by California’s Gwin and Weller, demanded more territory and a part on the Gulf of Lower California. They went so far as to advocate a mountain and desert boundary line so as to have a natural defensive barrier between the countries. Certainly with such cleavages the original treaty was bound to undergo some compromise changes before it would be presented to President Pierce for his formal approval or rejection.

Of the ten articles of the treaty as Gadsden had signed it, five remained virtually intact. The ten became nine with the other five revised into four articles. Articles I and III

17. Ibid.
as they were changed are of most interest to the student of southwestern history.

Perhaps one might reasonably expect that the United States would desire as much continuous continental territory as it could peaceably acquire. Especially would this seem the case when the American frontier was far from being closed, but as the final treaty shows here was an exception. Actually the United States acquired much less territory than it would have acquired had Article I of Gadsden’s Treaty been left as it was presented to the senate. Rippy has labored through the documents of the period to discover that six or seven amendments were offered to Article I. Of the groups that were not satisfied, the general group wishing for more territory felt the need for a port on the Gulf of California and a “route better adapted to a Pacific railroad.” Those opposed naturally moved to minimize the acquisition. Shields, Gwin, Rusk, and Mason offered one or more amendments each calling for a redefined boundary. Shield’s amendment was the most ambitious, providing for the 31st parallel line between the Colorado River and Gulf of California and the Rio Grande. Shields and Gwin’s amendments both were defeated. Rusk, who offered a more moderate amendment, had his passed. It provided for a line leaving the Rio Grande at the parallel 31° 47’; continuing due westward for 150 miles; “thence south 30 miles, and then by a right line to the Rio Colorado or the Gulf of Mexico, as the case might be; and thence, as in the other proposals, to the Pacific.”

Rusk then asked for a reconsideration of the line as, in present day southwestern New Mexico, there probably was need for more land for a railroad route than would be available by extending a line 150 miles due west from the Rio Grande at 31° 47’. The apparent solution was to compromise the area by extending the 31° 47’ line only 100 miles west of the Rio Grande and then to turn south; and relin-

18. Ibid., p. 150.
19. Ibid., p. 151.
quish some of the western area south of the Gila by defining the line further to the north even though it meant the loss of land connections with the Gulf of Mexico. Again Rusk's amendment was accepted. This virtually established the line as it came to be, the difference being that 100 miles west of the Rio Grande the southern extension was 30 miles instead of the $31^\circ 20'$ definition as finally established.

It was during the latter phases of the senate's consideration of the treaty that Mason offered the resolution which actually was confirmed. The line was defined, as

beginning at the intersection of the parallel of $31^\circ$ and $47'$ with the Rio Grande; thence due west one hundred miles; thence south to the parallel of $31^\circ 20'$; thence along the said parallel... to the 111th meridian of longitude west of Greenwich; thence in a straight line to a point on the Colorado River twenty English miles below the junction of the Gila and the Colorado Rivers; thence up the middle of the said Colorado until it intersects the present line between the United States and Mexico.

How did it happen that the United States relinquished territory as a result of its own ratification proceedings in which Mexico was willing to acquiesce? The transcontinental railroad and slave issues were the chief issues which forced a compromise from the purchase advocates. While there were other considerations as noted above relative to the senatorial cleavages these two things forced compromises.

By April 6, 1854, it was evident that the treaty would have to be revised as only two more votes were needed at that time to table the treaty.

21. A comparison of the treaty drafts as signed by Gadsden and as ratified by both Mexico and the United States will show clearly enough that the Gadsden draft would have gained more territory for the United States than was secured. Maps in Garber's *Gadsden Treaty*, opposite p. 92, and the *Historical Atlas*, plate 94b, are convincing enough. Garber says (p. 131) "The territory acquired by the original treaty was reduced nine thousand square miles by the senate." This information comes from the U. S. and Mexican claims commission report of 1868.
Mason then retired as the leader for confirmation to be replaced by Rusk. Rusk became aggressive in his efforts to secure the necessary two-thirds vote. He sensed the necessity of satisfying the various elements in opposition so he set about rather systematically to appeal to them. The chief appeal to most of the northern senators, if they could be brought to support any purchase at all, was to minimize the area to be secured. Consequently Rusk introduced the amendment to materially reduce the area of the purchase on April 10. Probably feeling the need for further alteration, Rusk secured acceptance of a second boundary amendment. This amendment clearly indicated that the territory was for a railroad route and not for commercial gains in the Gulf of California region. Mason's amendment, putting the boundary line into its final form, did not apparently have value as a compromise feature.

Article II as finally set up merely called for the abrogation of Article XI of the Guadalupe Hidalgo Treaty and the 33rd article of the treaty of 1831.

Article III as Gadsden had submitted it called for too much compensation and an undesirable recognition of the Garay claim. The figures were reduced until the amount stood at $10,000,000. The original $20,000,000 provision was to be divided by remitting $15,000,000 to Mexico and $5,000,000 in turn to the American claimants upon Mexico including the specifically mentioned Garay claimants. Although Gadsden and Mason had been sold on the desirability of the Garay claims the senate refused to consider the private claims.

In the later stages of the senate discussion Rusk saw the need for support from the few senators who backed the Sloo-Tehuantepec grant. Senator Bell's amendment with six essential provisions regarding the isthmus was rejected. However, the outcome was that Bell's amendment
in substance, but without express designation of the Sloo company as claimants, was adopted."

On April 17 the treaty was reported out of the committee of the whole to the senate. The vote for ratification showed a lack of three votes in order to have the necessary two-thirds majority. The press engaged in a pro and con discussion of the matter which served at least to keep the treaty before the public. It was after the Southern and Western Commercial Convention at Charleston from April 8-15 that the confirmation finally came. Feeling the pulse of the South the southern senators Jones, Dawson, et cetera, returned to the sessions with a determination to push through the treaty. The senate confirmation came on April 25, 1854, with a vote of 33 to 12.

Three things remained to be done before the treaty would become effective: 1st, the president must give a final acceptance or rejection; congress, 2nd, must vote the necessary appropriation; and 3rd, the Mexican government must ratify. Pierce hesitated to reject the muchly mutilated treaty. He probably wondered when another, the least bit advantageous, could be negotiated. It was after the Mexican government had agreed to ratify the treaty that Pierce came to accept the document.

The Mexican side of the whole picture is a story in itself and must be reserved for another treatise. Suffice to note that with the reduction in payment Santa Anna felt more inclined to heed the suggestions of the British. The British, however, through Doyle, their minister to Mexico, did not give encouragement to any idea of British concessions for a treaty rejection. Therefore with reluctance Santa Anna agreed to ratification.

Pierce asked for the necessary appropriation from the house of representatives on June 21, 1854. The ways

22. Rippy, United States and Mexico, pp. 153-54. The Art. VIII of the ratified treaty was considered to be a partial victory for the Sloo claimants. It is to be associated with the original Articles III and IV.
and means committee, headed by Houston, duly reported out an appropriation bill of the desired amount."

It was then that the house, resolving itself into a committee of the whole, received its opportunity to reopen the controversial aspects of the treaty. Jones of Tenn., Benton, Bayly, and Jones of Penn., Haven, Phillips, Keitt, Smith, Giddings, Washburn, Boyce, Peckham, Perkins, and others spoke in the house but the most emphatic of them all was Benton, who was an ardent supporter of the central transcontinental route. Again sectionalism was a factor but the national feeling of the need for a satisfactory railroad route plus the domination of the democrats, perhaps, turned the tide in favor of the appropriation with a vote of 105 to 63."

The place of the treaty in the American historical perspective, again, seems to be that it is a part of the westward movement. It was the last acquisition in the Southwest but it was not the last effort to secure territory." The difference fundamentally seems to be that there was a demand for more territory, not for settlement but for a railroad route, whereas the additional territory desired later could not be justified as a part of the needs of the west. While American penetration could even yet result in agitation for additional territory it would have to be a large area to and beyond the southwestern deserts if any substantial American territorial needs could be satisfied.

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24. Ibid., p. 131.
26. In 1857, Secretary of State Lewis Cass instructed Forsyth, American minister to Mexico, to offer Mexico $12,000,000 for a new line running from the middle of the Rio Grande on the 30th parallel thence due west to the nearest tributary of the Rio Chico or the Rio Hiaqui. Failing to secure any consideration of the offer, Cass, through McLane, the new minister, made an overture in 1859. This offer was for Lower California, the right to a transit across the Isthmus of Tehuantepec, and other privileges. With the sectional issue becoming more aggravated as the election of 1860 was approaching it is a matter of conjecture as to whether a treaty would have been ratified, if passed.