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OLD PAINTING: ST. JOSEPH AND THE CHRIST CHILD  
(See page 191)

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## NEW MEXICO AND THE SECTIONAL CONTROVERSY, 1846-1861<sup>1</sup>

*By* LOOMIS MORTON GANAWAY

Until recent years, the study of New Mexico history has excited no general interest. Just as American social, economic, and political trends have been tardy in affecting New Mexico, so interest in historical research for that region has lagged. In other sections of the country, opportunities for important studies have presented themselves readily, but in an attempt to appraise a series of events in New Mexico history, difficulties are almost insuperable. The source materials are widely scattered, and in certain instances, the documents are practically inaccessible. Possibly for these reasons, the sectional controversy as it involved New Mexico has not heretofore provoked extensive research. This study is an attempt to interpret the sectional controversy in its relation to the nation and that region.

In approaching this problem, one must appreciate the culture of a people who had been essentially Spanish for over two hundred years.

When New Mexico was annexed to the United States, the most provocative of Anglo-American institutions was slavery. This system of labor was unfamiliar to the natives because of the absence of negroes in that region. In the period from 1848 until 1861, the conflicting efforts of pro-slavery and anti-slavery forces to control New Mexico represented one aspect of a struggle that culminated in the American Civil War.

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1. The study here published, somewhat revised in form, was accepted at Vanderbilt University in 1941 in part fulfillment of requirements for the doctorate degree. It is based on independent research which the author pursued at the Huntington, Bancroft, and Congressional Libraries and the National Archives. At present Dr. Ganaway is serving with the A. A. F. T. T. C. at Kessler Field, Mississippi.

## CHAPTER I

SOCIAL, ECONOMIC, AND POLITICAL CONDITIONS  
OF NEW MEXICO IN 1846

THE first white man to reach the Pueblo Indian country in what today is known as New Mexico was a Franciscan father, Friar Marcos de Niza. Guided by a negro slave, he approached one of the towns of Zuñi in May of 1539. According to one tradition, the slave was captured by the Indians and was tossed from a high cliff to his death, after which the friar, who had not ventured to enter the town, hastily retraced his steps southward. The following year, Don Francisco Vásquez de Coronado led a large company into New Mexico to investigate the reported "Seven Cities of Cíbola." His expedition was regarded as a failure, but the information acquired by these conquistadors laid a basis for further exploration and, eventually, for permanent settlement of New Mexico by the Spanish and their descendants, the Mexicans.

For some years after the American occupation (1846), New Mexico included the present state of that name in addition to Arizona and southeastern Colorado, a total area of approximately 240,000 square miles. Until about 1850, many Americans living east of the Mississippi believed that, because New Mexico lay in the same latitude as southern states, it would be suitable for a similar type of agricultural economy. However, within a few years, travelers were enlightening readers, frequently in a manner that would not invite an extensive migratory movement. In one contemporary account, New Mexico was described as "a desert land . . . almost as unfitted for agricultural purposes as Arabia."<sup>1</sup> Another writer noted the "deserts, parched mountains, poisonous reptiles, and wild Indians."<sup>2</sup> Although the terri-

1. William W. H. Davis, *El Gringo; or New Mexico and her People* (New York, 1857), 231-232.

2. *Journal of William H. Richardson, a Private Soldier in the Campaign of New and Old Mexico . . .* (New York, 1848), unbound pamphlet, Huntington Library Collections.

tory possessed all of these, the writer failed to note the presence of a number of rivers that afforded a limited opportunity for agricultural pursuits by irrigation.

The Spaniards and their descendants, the Mexicans, discovered that their farming operations were restricted not only by a limited water supply but also by the nature of the soil, which in many localities contained a high percentage of mineral matter. They likewise observed that the altitude of that region, averaging several thousand feet above sea level, limited the extent and quality of their crops. For these reasons, they devoted their interest to the sheep and cattle industries that proved profitable on the high, level table lands.

Geographical phenomena were determining factors in the activities of the different racial groups in New Mexico and fundamental causes for the continuous state of warfare that characterized their relations until after the American Civil War. Two distinct civilizations had developed among the Indians long before the coming of the Spaniards. Along the river valleys dwelt the pueblo-type Indians, who lived as groups in large stone or adobe buildings similar to modern apartment houses. These communal houses gave to those Indians their general name of Pueblos. They were farmers skilled also in weaving, pottery, and basketry. They enjoyed a simple but effective system of government, in which each town was independent of all others.

Surrounding the Pueblos on all sides were more warlike, nomadic peoples: Navahos, Utahs, Comanches, and Apaches. Propinquity and cupidity had made robbers of these nomads, who on frequent occasions attacked and plundered the peaceful, agricultural Pueblos. The Spanish on their arrival not only added to the problem of economic survival, but also gave to it a political significance by seeking to establish Spanish sovereignty over all the Indians in New Mexico. The Pueblos were unable to resist, but the nomadic Indians eventually were sufficiently strong to assume the offensive and attack the Spaniards and Mexicans no less readily than

they did the Pueblos. Thus, for nearly two centuries before American occupation, a more or less continuous state of war prevailed in New Mexico.

At the time of its annexation to the United States, a small minority of Mexicans owned large tracts of land which their ancestors had received as grants from Spain. Here they lived in a feudal manner, enjoying a standard of living similar to that of wealthy landholders elsewhere. Occasionally they might travel to Santa Fé, the capital of New Mexico under Spanish and Mexican sovereignty.

To many Anglo-American visitors at Santa Fé in the 1850's, the first impression was that of a squalor which seemed evident in all directions. Most of the five or six thousand inhabitants lived in low, flat adobe houses along narrow, winding streets. Around the plaza were located the government buildings, where occasionally travelers saw Anglo-American traders, Mexicans, Pueblos, and perhaps when not at war, Navahos or Apaches. Concerning the Mexicans, an American visiting Santa Fé about 1850, wrote:

The race, as a whole, is and has been for centuries, at a standstill. The same agricultural implements that their remote ancestors used, they cling to tenaciously, resisting all innovations of improving machinery. . . . In short, a population almost, if not absolutely, impervious to progress either in business, science, education, or religion; their daily fare coarse and meager, their necessities few, their ambitions none. Far different is the case with the families of pure Castilian blood, who own most of the livestock found in the territory.<sup>3</sup>

The development of the Santa Fé trade between Missouri and New Mexico in the 1820's further complicated the meeting of the races. A few Anglo-Americans had ventured into New Mexico before that date, but they had come in no great numbers because of restrictions by Spanish authori-

3. Joseph G. McCoy, *Historic Sketches of the Cattle Trade of the West and Southwest*, Ralph P. Bieber, ed., *Southwest Historical Series*, VIII (Glendale, 1939), 396.

ties. If an account by John Rowzee Peyton be accepted, he was probably the first Anglo-American to visit New Mexico. According to his story, as edited by his grandson, Peyton was taken prisoner by a Spanish sea captain in the Gulf of Mexico and was brought to Santa Fé during the winter of 1773-1774. After being held captive for several months, he effected an escape and returned to his native home in Virginia with no high regard for Spanish hospitality.<sup>4</sup>

Among the first Anglo-Americans to give an authentic account of his visit to New Mexico was Lieutenant Zebulon Montgomery Pike. As a leader of a survey in the Louisiana Purchase, he was commissioned to explore the country drained by the Red and Arkansas rivers and to establish friendly relations with the nomadic tribes who inhabited that region.<sup>5</sup> During the course of his exploration in the winter of 1806-1807, Pike crossed the Sangre de Cristo Mountains into the valley of the Rio Grande in Spanish territory. When arrested by Spanish officials for building a fort and raising the flag of the United States on territory under Spanish authority. Pike claimed an innocent error in calculating his position. Even so, he and his small party were escorted to Santa Fé. After a short stay there, he was taken to Chihuahua, where he was released by the Spanish authorities, and escorted back to the United States in July, 1807. Pike's account of his experiences and his observations in New Mexico aroused interest among the American people, who were unacquainted with that region. Among other things noted by Pike was the absence of negroes in New Mexico in contrast with the large number found in most Spanish colonies.<sup>6</sup>

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4. John Lewis Peyton, *The Adventures of My Grandfather* (London, 1867), 63-64.

For further information on this Peyton "yarn," the reader is referred to the *New Mexico Historical Review*, IV, 239-272. After a little perusal he will probably decide that Grandfather Peyton never saw New Mexico, and that either he was a great liar or his grandson an unscrupulous romancer.—Editor.

5. Elliott Coues, ed., *The Expeditions of Zebulon Montgomery Pike* (3 vols., New York, 1895), II, 357-563; a brief account of the early Anglo-American explorers in New Mexico is that by Rupert Norval Richardson and Carl Coke Rister, *The Greater Southwest* (Glendale, 1934), 113-139.

6. Coues, ed., *The Expedition of Zebulon Montgomery Pike*, II, 655-656.

During the decade following Pike's journey, infrequent efforts were made by Anglo-American traders to promote trade with New Mexico. Most of these expeditions were unsuccessful because of the inhospitable policy of the Spanish government towards the traders, or the menace of the hostile plains Indians.<sup>7</sup> Not until Mexico finally gained independence from Spain in 1821 did the prospect of friendly trade relations between the northern provinces of that country and the United States become a reality.<sup>8</sup>

Among the first to take advantage of this favorable change in policy was Captain William Becknell of Howard County, Missouri.<sup>9</sup> In command of a small party of traders, Captain Becknell led them to Santa Fé during the first year of Mexican independence, and made of the trip a profitable financial venture. In the following year, he returned to New Mexico, and other traders were quick to engage in similar activity. From that year, the trade flourished, despite recurring acts of hostility by plains Indians and natural and difficult barriers to be crossed between Missouri and Santa Fé. As the trade increased so rapidly in volume, it employed hundreds and thousands of men. Many Missourians and Kentuckians engaged in it, and some of them settled permanently in New Mexico.

Marriages with the New Mexicans were not infrequent, and other relationships gave to New Mexico a permanent Anglo-American colony of settlers. Charles Bent, a trader of distinguished New England ancestry, who became the first civil governor under the temporary government established by the military in 1846, married Maria Jaramillo, a member of a distinguished native family. Christopher ("Kit") Carson married her sister, Josefa. By such relationships, the Anglo-American settlers gained influence in the political and economic opportunities of the territory.

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7. Josiah Gregg, *Commerce of the Prairies, or the Journal of a Santa Fé Trader*, Reuben Gold Thwaites, ed., *Early Western Travels*, XIX (Cleveland, 1905), 176-177.

8. Katharine Coman, *Economic Beginnings of the Far West; how we won the land beyond the Mississippi* (2 vols., New York, 1912), II, 77.

9. *History of the Overland Trade*, bound collection of clippings from the *St. Louis Republican*, 1860, Huntington Library Collections.



As the Santa Fé trade increased in volume, a movement was initiated by traders in Missouri for the building by the federal government of a road to the border of New Mexico.<sup>10</sup> Senator Thomas Hart Benton of Missouri introduced a bill to this effect at the last session of the Eighteenth Congress.<sup>11</sup> Accompanying the bill was a report by Augustus Storrs, a trader, who suggested the importance of such a road if the United States wished to encourage friendly relations with Mexico. In speaking of the Mexicans, he said:

The profession of respect for our national character, and of attachment to our principles, are universal [by the Mexicans]; and their actions are a sufficient proof of sincerity. The door of hospitality is opened with a cheerful welcome, and every effort of friendship and kindness which might be expected from intimate acquaintance, is voluntarily proffered by a stranger. In all their principal towns, the arrival of Americans is a source of pleasure, and the evening is dedicated to dancing and festivity. . . . Their accommodations are generally indifferent, but they deserve much praise for their kindness, urbanity, and hospitality. Few nations practice these virtues to a greater degree.<sup>12</sup>

The Benton bill passed congress and was signed by President James Monroe as one of his last official acts as president.<sup>13</sup> It authorized the expenditure of ten thousand dollars for marking a route to the New Mexico border and of an additional twenty thousand dollars to the plains Indians for a right of way through the country claimed by them. In the next few years, the federal government not only assisted the trade by marking such road, but on several occasions provided the traders with military escorts.<sup>14</sup> In 1832, the United States and Mexico entered in a commercial

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10. Ralph Emerson Twitchell, *Leading Facts of New Mexican History* (2 vols., Cedar Rapids, 1912), II, 116-117.

11. *Register of Debates in Congress*, 18 Congress, 2 Session, Appendix I, p. 102.

12. Archer Butler Hulbert, ed., *Southwest on the Turquoise Trail* (Denver, 1933), *Overland to the Pacific*, Vol. II, pp. 85-86.

13. Act of March 3, 1825, *U. S. Statutes at Large*, IV, 100-101.

14. Twitchell, *Leading Facts of New Mexican History*, II, 109.

treaty, by the terms of which trade barriers were lightened by the Mexican government.<sup>15</sup>

Anglo-American traders in their penetration of New Mexico soon advanced beyond the vicinity of Santa Fé. In a few years they were carrying on operations as far south as Sonora and Chihuahua. However, no great migration of settlers from the States followed the trail into New Mexico as they did to California and Oregon. It appeared clear to an American army officer on tour of duty in New Mexico during 1850 that the country would never invite a large immigration from the United States, for in such country of "rugged mountains and waste plains" it would not be possible to "support a population in numbers and wealth at all proportioned to its extent of territory."<sup>16</sup> Further hindrances to any notable migration from the United States were, in his opinion, the hostility of the Indians and the low degree of culture among the Mexicans.

According to contemporary accounts, the presence of Anglo-Americans in New Mexico did not greatly elevate the standard of morals and general refinement. An English visitor in New Mexico in 1846 described the American soldiers at Santa Fé as "the dirtiest, rowdiest crew I have ever seen collected together."<sup>17</sup>

Another traveler regarded the northern departments of Mexico more favorably, although he did not visit so far north as Santa Fé. Waddy Thompson, the American minister to Mexico in 1844, who was more interested in the economic than the social aspects of Mexico, wrote that much of the country was a vast, undeveloped "El Dorado."<sup>18</sup> The greatest wealth, he said, was probably in the northern departments or provinces, which were but loosely connected with the central government.<sup>19</sup> He further observed that if

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15. Hunter Miller, ed., *Treaties and other International Acts of the United States of America* (5 vols., Washington, 1931-1937), III, 599-640.

16. George A. McCall, *Letters from the Frontiers* (Philadelphia, 1868), 497.

17. George F. Ruxton, *Adventures in Mexico and the Rocky Mountains* (London, 1847), 189.

18. Waddy Thompson, *Recollections of Mexico* (New York, 1846), 232-233.

19. *Ibid.*, 234.

Mexico were inhabited by "our race," the products of the mines alone would be worth five times their current value under Mexican operation.<sup>20</sup> Despite the potential wealth that awaited only economic exploitation, he expressed no agreement with those of his countrymen who were looking covetously to the further extension of territory. Although admitting that it was not often "with nations, at least, that such temptations are resisted," he urged the American people to "remember that wealth improperly acquired never ultimately benefitted any individual or a nation."<sup>21</sup>

Despite such admonitions, he provoked the interest of at least a part of the American public by allusion to cotton production in Mexico:

I have before remarked that enough cotton is not raised to supply the very limited demand of the Mexican manufacturers. The most of this is produced in the districts which lie upon the Pacific Ocean, but the climate of nearly all Mexico is suited to the growth of cotton. I can see no reason why it is not produced in much larger quantities, bearing, as it does, so enormous a price, except the characteristic indolence of the people. If the country was occupied by a population from this country equal to that of Mexico, the amount produced in the world would be doubled.<sup>22</sup>

Thompson did not suggest the introduction of negro slavery as a proper solution to the labor problem, if the production of cotton were to be increased. Mexican laws affecting slavery met with no objection from the department of New Mexico, because they were not enforced.<sup>23</sup> Likewise, when another act was passed by the central government in 1837, abolishing slavery throughout Mexico and its provinces, but granting compensation to all slaveholders excepting the revolting Texans, no protest was heard from New Mexico. The New Mexicans, however, continued to maintain two forms of slavery that flourished in that region.

20. *Ibid.*, 204.

21. *Ibid.*, 204-205.

22. *Ibid.* 209.

23. Coman, *Economic Beginnings of the Far West*, II, 373.

The enslavement of Indians had become general during the seventeenth century. According to one account, this practice seemed to "have rested on long custom, and not on law, except that no laws were invoked to prevent it."<sup>24</sup> The Indians were bought and sold much as were negroes on American slave markets. A healthy girl of eight would bring four hundred dollars. Estimates of the number of Indian slaves in New Mexico varied, but in a report of 1867, the number was believed to be between fifteen hundred and three thousand.<sup>25</sup>

The other form of practical slavery was the system of peonage, that was widespread throughout New Mexico. To most Anglo-Americans, the similarity between this system of labor and American negro slavery was apparent immediately. Most observers, however, agreed that American negro slavery was more humane than the Mexican system. Lieutenant W. H. Emory, an army officer on duty during 1846 in New Mexico, in expressing his conviction that negro slavery would never be profitable in that region, said:

The profits of labor are too inadequate for the existence of negro slavery. Slavery, as practiced by the Mexicans, under the form of peonage, which enables their master to get the services of the adult while in the prime of life, without the obligations of rearing him in infancy, supporting him in old age, or maintaining his family affords no data for estimating the profits of slave labor, as it exists in the United States.<sup>26</sup>

Under such circumstances, he added, it would be unprofitable for an American slaveholder to bring negroes to New Mexico among peons "nearly of their own color."

One of the most enlightening comparisons between the Mexican system of peonage and the American system of negro slavery was written by an American civil official in New Mexico for several years prior to the American Civil

24. Hubert Howe Bancroft, *History of Arizona and New Mexico, 1530-1888* (San Francisco, 1889), 681.

25. *Ibid.*, 681, note.

26. *House Exec. Docs.*, 30 Cong., 1 Sess., no. 41, pp. 98-99.

War. In his opinion, the wealthy inhabitants of New Mexico could gain nothing by encouraging the introduction of negro slavery in a region where the prevailing system possessed many of the benefits but none of the responsibilities of the American institution. After noting the universal recognition of that institution in Spanish-American colonies, he continued:

The only practical difference between it and negro slavery is, that the peons are not bought and sold in the markets as chattels; but in other respects I believe the difference is in favor of the negro. The average of intelligence among the peons is lower than that among the slaves of the Southern states; they are not so well cared for, nor do they enjoy so many of the blessings and comforts of domestic life. In truth, peonism is a more charming name for a species of slavery as abject and oppressive as any found on the American continent.<sup>27</sup>

The Mexicans, he said, had dignified the institution by calling it a "contract between master and servant," but the contracts were "all on the side of the master." For his labor, the peon received an average wage of five dollars a month, out of which he was expected to support himself and his family. Should the peon become dissatisfied with his work, he was privileged to leave the service of his master, but only if he had paid the master in full for any debts or other obligations. In noting the restricting effects, he continued:

This the poor peon is unable to do, and the consequence is that he and his family remain in servitude all their lives. Among the proprietors in the country, the master generally keeps a store, where the servant is obliged to purchase every article he wants, and thus it is an easy matter to keep him always in debt. The master is required to furnish the peon with goods at the market value, and may advance him two-thirds the amount of his monthly wages. But these provisions, made for the benefit

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27. Davis, *El Gringo*, 231.

of the peon, are in most instances disregarded, and he is obliged to pay an enormous price for everything he buys, and is allowed to run in debt beyond the amount of his wages, in order to prevent him leaving his master.<sup>28</sup>

When parents were "driven into a state of slavery," as the statute stated, they had the right to bind their children to masters, thus marking them as slaves from childhood. Should a peon escape from his master, he could be arrested in any part of the territory and returned to his master with proper punishment, usually by the infliction of lashes. In concluding his observations, this writer said:

One of the most objectionable features in this system is, that the master is not obliged to maintain the peon in sickness or in old age. When he becomes too old to work any longer, like an old horse who is turned out to die, he can be cast adrift to provide for himself. These are the leading features of peonism, and in spite of the name it bears, the impartial reader will not be able to make anything out of it but slavery.<sup>29</sup>

In the opinion of Major John Ayres, a federal army officer, who wrote retrospectively of his experiences in New Mexico,

the lower classes were all peons to the higher. There were probably not more than 500 or 700 rich Mexicans in the territory. . . . By their laws, in earlier days, their peons could be brought back if they ran away; it was worse than slavery, for slaves had a merchantile value, while if a peon died his place was at once filled with no loss but the small debt he was working out; slaves, too, were generally clothed by their masters, while these peons wore little or nothing; their masters cared for nothing but the work out of them.<sup>30</sup>

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28. *Ibid.*, 232.

29. *Idem.*

30. John Ayres, *A Soldier's Experience in New Mexico*, MS., Bancroft Library, Berkeley.

As late as 1867, Samuel Ellison, acting in the capacity of a federal investigator to charges that peonage was a violation of the Fourteenth Amendment to the Constitution, recorded that "peons are as much an article of trade as a horse or a sheep."<sup>31</sup>

From such men, who were not impelled by political considerations to defend or condemn the economic and social practices in New Mexico, the evidence seems reasonably certain that the controlling native families were not the "liberty loving freemen" that New England anti-slavery writers were wont to describe them.

As Major Ayres noted, between five hundred and seven hundred families represented the economic aristocracy of the territory. This group was of a total Mexican population, estimated from fifty thousand to seventy thousand in 1850.<sup>32</sup> The nomadic Indians constituted the second largest group at the same date. One official estimated the number at 36,900 in 1846,<sup>33</sup> and an army officer made a slightly higher estimate four years later.<sup>34</sup> The Pueblos, decimated by both the nomadic Indians and the Mexicans, numbered between six and ten thousand.<sup>35</sup>

As with other estimates, that for the Anglo-Americans about 1850 varied from a few hundred to several thousand, excluding the United States army.<sup>36</sup> Many of this group

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31. Samuel Ellison, *History of New Mexico*, Ms., Bancroft Library, Berkeley.

This was edited by J. Manuel Espinosa in the *New Mexico Historical Review*, XIII, 1-13.—Editor.

32. Charles Florus Coan, *A History of New Mexico* (3 vols., Chicago, 1925), I, 325, gives an estimate of 99,204 people in New Mexico in 1844, counting Indians. In 1845, he cites a census, accounting for 67,736 pure white or mixed population. R. L. Duffus, *The Santa Fé Trail* (New York, 1930), states that the Mexican population in 1850 was 61,547.

33. Charles Bent to William Medill, Commissioner of Indian Affairs, October 10, 1846, in Annie H. Abel, ed., *The Official Correspondence of James S. Calhoun While Indian Agent at Santa Fé, and Superintendent of Indian Affairs in New Mexico*, (Washington, 1915), 8.

34. McCall, *Letters from the Frontiers*, 522.

35. *Ibid.*, 498.

36. Calhoun to Luke Lea, Commissioner of Indian Affairs, Santa Fé, February 16, 1851, in Abel, ed., *Calhoun's Correspondence*, 305, gives estimates; as does David Yancey Thomas, *A History of Military Occupation in Newly Acquired Territory of the United States* (New York, 1904), *Columbia University Studies in History, Economics, and Public Law*, XX, no. 2, p. 114.

resided at Santa Fé or in the vicinity of the town. Smaller colonies, however, were located at Taos, Albuquerque, and Las Vegas. In addition to the large number of former Missourians who constituted this group, observers noted the rapidly increasing population of Jewish origin, principally from New York.

The sectional controversy in New Mexico after the occupation of that region in 1846, originated among the Anglo-Americans. They were the leaders who directed petitions that were sent to Congress, signed by natives. They provided congressmen with memorials that were heralded throughout the country as representing public opinion in that territory. For a short time, they succeeded in focusing national attention on New Mexico, among the native population of which, the problems of slavery extension, a Wilmot Proviso, territorial government or statehood provoked no profound interest.



## CHAPTER II

NEW MEXICO IN NATIONAL POLITICS,  
1846-1850

If in 1820, the majority of the American people believed that the Missouri Compromise settled the problem of slavery extension, they did not foresee the continuing westward movement. Within a few years, hundreds and thousands of immigrants pushed beyond the Mississippi into Texas under Mexican sovereignty. These pioneers took with them not only their scanty possessions, but the laws and customs of the sections from which they came. There, they came into conflict with the laws of Mexico. To protect themselves, they waged a successful revolution and sought admission into the federal union of the United States.

In 1845, when James K. Polk was inaugurated as president of the United States, Texas after nearly ten years as an independent republic, was ready to be admitted into the Union, bringing with it slavery, a probable war with Mexico, and the fulfillment of Polk's campaign pledge of territorial expansion.<sup>1</sup>

The anticipated war with Mexico began in April of the following year, but scarcely had it begun before the question of slavery extension was raised by men who could foresee the acquisition of a great western domain for the United States. One of the most voluble of these men was David Wilmot, a representative in congress from Pennsylvania. Shortly after the outbreak of hostilities, he introduced a resolution into the house, which if adopted by congress would arrest the extension of slavery into any territory that might be acquired from Mexico. In a conversation with Wilmot, the president reported himself as having said:

I told him [Wilmot] I did not desire to extend slavery, that I would be satisfied to acquire by treaty from Mexico the Provinces of New Mexico & Californias, and that in these Provinces slavery

1. Milo Milton Quaife, ed., *The Diary of James K. Polk* (4 vols., Chicago, 1910), I, 496-497.

could probably never exist, and the great probability was that the question would never arise in the future organization of territorial or State Governments in these territories.<sup>2</sup>

If President Polk succeeded in allaying his fears, Wilmot felt further cause for alarm when he read a code of laws for New Mexico as decreed by General Stephen Watts Kearny, after the occupation of that region by American military force. In an address before the house of representatives, Wilmot said:

The fundamental law which General Kearny laid down for the government of the country bears the impress and proves the existence of slavery. Yes, sir, slavery is there. . . . The Constitution or fundamental law which General Kearny lays down for the government of that country, in prescribing the qualifications of electors, says: "every free male" shall be entitled to the right of suffrage, etc. Does not this imply there are males there *not free*? Already, sir, on the route of travel between Missouri and New Mexico slaves are found, who are being removed thither. Slavery is there, sir—there, in defiance of law. Slavery does not wait for all the forms of annexation to be consummated. It is on the move, sir. It is in New Mexico.<sup>3</sup>

Not many slaves were on the move, for according to the census of 1850, New Mexico had a total negro population of twenty-two, not one of whom was listed as a slave.<sup>4</sup> Had Wilmot gone further and pictured a great slave empire already in progress of development in that region, with cotton fields flourishing and a southern culture firmly established, his statements probably would have passed unquestioned by most people of both the older sections of the country in 1846. Even though commercial relations between the United States and the northern provinces of Mexico had been in progress for nearly three decades prior to the war,

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2. *Ibid.*, II, 289.

3. *Congressional Globe*, 29 Cong., 2 Sess., 317.

4. *Seventh Census of the United States*, 1850, 998.

the average American who was unfamiliar with frontier conditions assumed that because New Mexico lay in the same latitude with southern states, slavery would be profitable there.<sup>5</sup> In the defeat of Mexico and the acquisition of her northern departments, there were doubtless many southerners who in 1846 were visualizing a prosperous field for economic penetration.

Consequently, in the first year of the war, southerners generally supported President Polk's war policy, while the people of New England were indifferent or openly hostile.<sup>6</sup> So strong in fact was the support given to the Wilmot Proviso by New England and the Middle Atlantic states that the possibility of annexing any portion of Mexico seemed remote during the initial period of the war; southerners were believed, of course, to be unwilling to approve any annexation in which slavery would be barred by federal law.<sup>7</sup>

What followed was a campaign of enlightenment by expansionists, to whom sectional interests were secondary in importance. Much of this campaign was directed to northern politicians and to the public through newspapers.<sup>8</sup> They were told that slavery was prohibited by natural conditions from ever being a profitable enterprise, but should slaves be imported into New Mexico, they would find an easy escape into Mexico.<sup>9</sup> Expansionists warned the North that by supporting the Wilmot Proviso the opportunity for acquiring potential free states would be forfeited, for it was agreed that the South would oppose any annexation to which the Wilmot Proviso was attached. Following closely upon this warning was the proposal of Lewis Cass, a senator from Michigan, who suggested a doctrine of "popular sovereignty" for any territory that might be acquired from Mexico. To some northern politicians, Cass's proposal seemed reason-

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5. John D. P. Fuller, "The Slavery Question and the Movement to Acquire Mexico, 1846-1848," *Mississippi Valley Historical Review*, XXI (1934), 31.

6. *Ibid.*, 32.

7. Justin H. Smith, *War with Mexico* (2 vols., New York, 1919), II, 272-274; Fuller, "The Slavery Question and the Movement to Acquire Mexico, 1846-1848," 33-34.

8. *Ibid.*, 34-35.

9. *Idem.*

able, especially because slavery could scarcely expect to find support in a region where it would be unprofitable.

Meanwhile, in the southern states, the popular approval for the president's war policy gave place to a wavering interest in the conflict. The campaign of enlightenment had infiltrated beyond its mark. Only the expansionists along the southwestern frontier, like those of the northwest, continued to give President Polk active support. John C. Calhoun, who as secretary of state in the Tyler cabinet, had been unsuccessful in getting senate approval to a Texas treaty of annexation, now declared that he had never supported the war.<sup>10</sup> This reversal in policy may have resulted from correspondence with Waddy Thompson. This former minister to Mexico believed that the acquisition of any Mexican territory would mean the addition of free soil territory just as much as would any domain that the United States might acquire from Canada.<sup>11</sup>

Other southerners spoke their opposition to further acquisition of territory, fearing the slavery question would put to a too great test the strength of the federal union.<sup>12</sup> John A. Campbell of Alabama wrote Calhoun of the political disaster that would surely befall the South by the annexation of any part of Mexico:

The territory is wholly unfit for a negro population. The republic of Mexico contains a smaller number of blacks than any of the older colonies of Spain and tho' this is not conclusive yet it is a persuasive argument that negro labor was not found profitable.<sup>13</sup>

In the senate debate that followed President Polk's recommendation to congress for the annexation of New

10. *Congressional Globe*, 29 Cong., 2 Sess., 500ff.

11. Waddy Thompson to John C. Calhoun, December 18, 1847, in J. Franklin Jameson, ed., *Correspondence of John C. Calhoun*, in American Historical Association, *Annual Report*, 1899, Vol. II, p. 1152.

12. Eugene Irving McCormac, *James K. Polk, A Political Biography* (Berkeley, 1922), 623.

13. John A. Campbell to Calhoun, November 20, 1847, in Jameson, ed., *Correspondence of John C. Calhoun*, II, p. 1140.

Mexico and California, senators from the southeastern states supported by the Whig slave holders expressed fear that any annexation would mean the weakening of the national structure by the incorporation of so large a group of ignorant Mexicans.<sup>14</sup> They also raised the question of the probable effect that such a program of expansion would have upon the foreign relations of the United States with France and England.

Opposition, however, was not limited to the South. Daniel Webster added his voice to the opponents of annexation by warning the senate that the acquisition of New Mexico and California together with the recently added state of Texas would give to those three regions, if admitted as states into the Union, equal representation in the senate with New York, Pennsylvania and Ohio. The total population of California, New Mexico and Texas was scarcely three hundred thousand; yet six new senators would exert the same influence as those from states of much greater population.<sup>15</sup> Webster expressed doubt that Texas could ever be a country of a dense population, and as for New Mexico, he said:

It is a settled country; the people living along the bottom of the valley [Rio Grande] on the sides of a little stream, a garter of land only on one side and the other, filled by coarse landholders and miserable *peons*. It can sustain not only under this cultivation, but under any cultivation that our American race would ever submit to, no more than are there now. There will, then, be two Senators for sixty thousand inhabitants in New Mexico to the end of our lives and to the end of the lives of our children.<sup>16</sup>

At another point during the same address, Webster referred to New Mexico as a "secluded, isolated place by itself, in the midst of vast mountains," shut off from civili-

14. Fuller, "The Slavery Question and the Movement to Acquire Mexico, 1846-1848," 40.

15. Fletcher Webster, ed., *The Writings and Speeches of Daniel Webster* (18 vols., Boston, 1903), X, 23.

16. *Idem*.

zation more than were Hawaii or any of the islands of the Pacific.<sup>17</sup> As for the inhabitants of that "secluded, isolated place," he said they were "infinitely less elevated, in morals and condition, than the people of the Sandwich Islands. . . . Have they [New Mexicans] any notion of popular government? Not the slightest."<sup>18</sup>

The arguments of Webster did not influence the group expansionists who favored the annexation not only of New Mexico and California, but of all Mexico. Among these in the Senate were Sam Houston and Thomas J. Rusk of Texas, Stephen A. Douglas of Illinois, and Jefferson Davis of Mississippi.<sup>19</sup> To the president, the interjection of the slavery issue into the expansion program was "not only mischievous but wicked," because, he added, "slavery has no possible connection with the Mexican War and with making peace with that country."<sup>20</sup> He recognized that "differences of opinion upon minor questions of public policy" might endanger the Union.<sup>21</sup>

Although a long fight over a treaty of peace with Mexico might have been anticipated, the policy of expansion that had appealed to the president found ready approval with a majority of the senate. In less than three weeks after the treaty was submitted to that body, it was ratified.

After the occupation of New Mexico by American forces in August, 1846, the military had directed civil affairs in that region. With the establishment of peace, the president would have preferred an immediate erection of a civil authority. However, before a permanent civil government, either territorial or state, could be instituted, a number of disturbing issues presented themselves. Not the least perplexing of these was the claim of Texas to all that part of New Mexico lying east of the Rio Grande.<sup>22</sup>

17. *Ibid.*, 29.

18. *Idem.*

19. Fuller, "The Slavery Question and the Movement to Acquire Mexico, 1846-1848," 46; also see *Sen. Exec. Docs.*, 30 Cong., I Sess., no. 50, pp. 1-37.

20. Polk, *Diary*, II, 308.

21. James D. Richardson, *Compilation of the Messages and Papers of the Presidents, 1789-1897* (10 vols., Washington, 1896-99), IV, 564.

22. W. J. Spillman, "Adjustment of the Texas Boundary in 1850," *Southwestern Historical Quarterly*, VII (1904), 177-195.

The Texas state authorities had not awaited a treaty of peace with Mexico before reminding the federal government of her claims in that direction. As early as February, 1847, Secretary of State James Buchanan had written Texan authorities assuring them that Texan claims had not been injured by General Kearny's occupation of New Mexico or the establishment of a temporary form of territorial government under military direction.<sup>23</sup> Secretary Buchanan stated that although Polk recognized the justice of the Texan claim, he believed an adjustment of the problem belonged within the sphere of legislative rather than executive control.

During the time that congress was debating the question of Texan claims and the issue of slavery extension, the people of New Mexico were likewise becoming active. Although President Polk had advised them to remain quiet until congress had provided a civil government for them, Senator Thomas Benton of Missouri assumed a more aggressive position. In a public letter to the people of New Mexico and California, he recommended that they provide themselves with a simple form of government until congress should act.<sup>24</sup> In New Mexico, W. Z. Angney, a friend of the Missouri senator, was mainly responsible for the hurried meeting that adopted a memorial to congress, which requested territorial form of government, protection from the unwarranted claims of Texas, and most significantly, protection from the introduction of slavery.<sup>25</sup>

To prepare the memorial for presentation, the petitioners appointed Joab Houghton, a resident of Santa Fé, who had a limited knowledge of law. In a letter to Senator John M. Clayton, who with Benton was asked to present the petition to the senate, Houghton stated that because of his long residence in New Mexico, he felt himself well qualified to judge the attitude of the inhabitants on national issues. As to the Texan claims to all territory lying east of the Rio

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23. William C. Binkley, "The Question of Texan Jurisdiction in New Mexico under the United States, 1848-1850," *Southwestern Historical Quarterly*, XXIV (1920), 1-38.

24. Thomas Hart Benton, *Address to the People of California and New Mexico* (n. p., 1850).

25. Bancroft, *A History of Arizona and New Mexico*, 443-444.

Grande, he stated that the people of the territory awaited with the keenest interest the action of congress. Texas, he said, had never been able to establish her claim to any part of New Mexico. He recalled, also, General Kearny's assurance of "the *full* benefits of the Constitution and a liberal government" which would be denied them by the dismemberment of their territory.<sup>26</sup>

On the subject of slavery, Houghton said:

It is not necessary to discuss the question of slavery. Any owner of slaves who should bring slaves to New Mexico would be ruined; there exist no means of making them earn their subsistence in competition with the cheap native labor. And their introduction would besides produce the most deleterious effects upon the morals and the industrial interest of the country.<sup>27</sup>

Scarcely had the memorial been presented to the senate by Benton and Clayton on December 13, 1848, before southern members had raised their voices in protest. Calhoun, always ready to defend the interest of his section said:

the people of this territory [New Mexico], under all the circumstances of the case, have not made a respectful petition to this Senate, on the contrary, they have made a most insolent one. I am not surprised, however, at the language of the petition. That people were conquered by the very men they wish to exclude from the Territory, and they know that. . . . I look upon the rights of the southern states, proposed to be excluded from this Territory, as a high constitutional principle. Our right to go there is unquestionable, and guaranteed and supported by the Constitution.<sup>28</sup>

Calhoun was followed in debate by Senator James C. Westcott of Florida, who attacked the petition for its ambiguity. He asked whether the fourteen names attached

26. Joab Houghton to John M. Clayton, Santa Fé, October 16, 1848, National Archives (hereinafter cited N. A.), State Departement Records, Miscellaneous Letters.

27. *Idem.*

28. *Congressional Globe*, 30 Cong., 2 Sess., 33.



to the petition represented the opinions of "three Yankees . . . and eleven Mexicans" or actually did express the sentiment of the "ten, or fifteen, or twenty thousand citizens who have gone to New Mexico from the United States . . .?"<sup>29</sup> Senator Henry S. Foote of Mississippi expressed his belief that Clayton and Benton had unwittingly become the victims of collusion by a faction or "scheming individual" who had taken advantage of the senators' generous impulses.<sup>30</sup>

After a few other remarks of similar temper by southern senators, the New Mexico petition was not again brought to the attention of the senate for several weeks. Then, however, when the New Mexico petition was incidentally mentioned in debate, Senator Rusk of Texas announced that since the presentation of the memorial by Clayton and Benton, he had received definite information concerning the New Mexico convention that had written the October memorial. He said that in no way did the memorial represent the sentiment of the people of New Mexico but that it had been formulated by "followers and hangers-on of the army, who got it up, with the restriction in relation to slavery, for political and selfish purposes."<sup>31</sup> He said, further, that his information which was undoubtedly reliable, had revealed the activity of a few scheming local politicians. They had employed the slavery question to strengthen their own positions with anti-slavery forces, even to the extent of establishing "a newspaper, in which they ridicule and deride the institution of slavery . . . as the evil of the age."<sup>32</sup>

Although he failed to disclose the source of his information, it seems highly probable that Spruce M. Baird, a special agent sent by the Texas state government to Santa Fé, was his informant. Baird arrived in Santa Fé on November 10, 1848, remaining there until late in the summer of the following year.<sup>33</sup>

29. *Ibid.*, 34.

30. *Ibid.*, 35.

31. *Ibid.*, 312.

32. *Idem.*

33. William C. Binkley, ed., "Reports of a Texan Agent in New Mexico, 1849," in *New Spain and the Anglo-American West* (2 vols., Lancaster, 1932), II, 157-188.

The anti-slavery societies throughout the free states were not slow in calling the attention of the people in the North to the New Mexico memorial. In the succeeding months after its introduction in December 1848, state legislatures, anti-slavery societies, and groups of private citizens filed petitions with the senate, supporting the New Mexico memorialists.<sup>34</sup>

Typical of these was that of the citizens of Medina, Ohio, who addressed both houses of congress, although this petition was presented only to the senate:

To the honorable Senate and House of Representatives of the United States in Congress assembled:

The subscribers inhabitants of the county of Medina and the state of Ohio respectfully pray your honorable bodies to incorporate the Jefferson Proviso, otherwise called the "Wilmot Proviso," or anti-slavery clause of the ordinance of 1787, into the laws for the government of the territories of New Mexico and California,—and also to repeal the statute law of 1793 for the recapture of fugitive slaves, to abolish slavery in the district of Columbia, and to prohibit the coast-wise slave trade.<sup>35</sup>

From the New York state legislature came a petition to congress, which was presented in the senate by Senator John A. Dix of that state. In this petition the senators were instructed and the representatives were requested to

use their best efforts to produce the enactment of laws for the establishment of governments for the territory acquired by the late treaty of peace with Mexico, and that, by such laws, involuntary servitude, except for crime, be excluded from such territory; . . . [to] protect it from the claims of Texas, and prohibit the extension over it of the laws of Texas, or the institution therein of domestic slavery; . . .<sup>36</sup>

34. N. A., Senate Files; petitions, memorials, etc., directed to the House may be located in the House of Representatives Files, Division of Manuscripts, Library of Congress.

35. N. A., Senate Files, 31 A—H 17.

36. *Senate Journal*, 30 Cong., 2 Sess., 140.

In contrast with the active campaign among anti-slavery societies and other organizations that were opposed to the extension of slavery, the absence of any such widespread activity by southerners to protect their interests is immediately noted. A few petitions, such as that of the North Carolina state legislature,<sup>37</sup> were presented to congress. If, however, interest in the extension or prohibition of slavery into New Mexico may be in any measure gauged by petitions to the national legislature, the North and not the South was awakened.

During the time that petitions had been pouring into congress from all sections of the North asking for the protection of the inhabitants of New Mexico from slavery, the American and Foreign Anti-Slavery Society was busily engaged in the preparation of an abolition tract. Although it purportedly was addressed to the people of New Mexico and California, it found general circulation among the members of congress, anti-slavery groups, and northern newspapers.<sup>38</sup> The tract, prepared under the direction of William Jay, Arthur Tappan, and other anti-slavery leaders, was a general attack upon the federal government for its failure to comply with its promise to provide a "free government" for New Mexico and California. Such government, they said, had been promised by General Kearny, but, instead, President Polk and other exponents of slavery were determined to prevent any form of government until slavery was insured in that region.

After condemning slaveholders for taking their slave property into New Mexico,<sup>39</sup> in violation of treaty guarantees, the authors of the tract outlined a course of conduct for the inhabitants.

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37. *Ibid.*, 278.

38. This tract which was translated into Spanish was brought to New Mexico by William Kephart in 1849. Kephart came to New Mexico as a missionary of the Presbyterian Missionary Society, but soon exposed himself as a "Disciple of abolitionism."

39. The Treaty of Guadalupe Hidalgo guaranteed respect for Mexican law, when not incompatible with that of the United States. Mexico prohibited slavery and it was argued that slavery was therefore prohibited in New Mexico unless specifically recognized by act of congress.

Such [slavery] . . . is the detestable institution which a few haughty and selfish men are endeavoring to force upon you in order to augment their own political power, and to open new markets for their human cattle; and such are the calamities which their success will entail upon you and your posterity for ages to come. Every dictate of patriotism and Christian benevolence impels us to resist to the uttermost the extension of this abomination of desolation over the new, fair and vast addition recently made to our Federal Union. Much as we prize this splendid acquisition, may it be forever lost to us rather than it should be converted by the American people into a region of ignorance, vice, misery, and degradation by the establishment of human bondage. . . . You have all the elements essential to the creation of a great, prosperous and independent empire. If you cannot be free, happy and virtuous in union with us, be free, happy and virtuous under a government of your own. But you are not reduced to such an alternative. The slaveholders have refused you a territorial government—form one for yourselves, and declare that no slave shall taint the air you breathe. Let no feudal lord with his host of serfs come among you to rob you of your equal share of the rich deposits of your soil—tolerate no servile caste kept in ignorance and degradation, to minister to the power and wealth of an oppressive aristocracy.<sup>40</sup>

This invitation to open rebellion caused the military authorities in New Mexico to suppress the tract.

The seriousness of the situation and the necessity for the establishment of civil government was further called to the attention of the American public by the open hostility between the military authorities and the inhabitants. Operating in the territory were some men whose activities resemble the carpetbaggers of the reconstruction period. They arrived with General Kearny or shortly thereafter.

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40. *Address to the Inhabitants of New Mexico and California on the Omission by Congress to Provide them with Territorial Governments, and on the Social and Political Evils of Slavery*, issued by the American and Foreign Anti-Slavery Society, New York, 1849.

These men rather than the natives were protesting against the military, because its presence prevented the surrender of the government to them, and so long as it remained, they were thwarted. What was not clear to the administration in Washington and to the American public in general was the fact that a few Anglo-American leaders were responsible for much of the agitation that was arousing the native population against the recognized authority.

With the inauguration of President Zachary Taylor, the administration expressed its opposition to the maintenance of the military in a territory during a period of peace. In a message to congress, he expressed confidence that, "at no very distant future," New Mexico would present itself for admission to the Union.<sup>41</sup>

President Taylor believed statehood to be the proper solution to New Mexico's political problem. To foster this design, he sent agents into New Mexico, but not soon enough to thwart a second move by the territorial party, which during the previous year had sent the October memorial to congress. Again, as on the previous occasion, Judge Houghton guided the procedure of the convention that met at Santa Fé on September 24 for a two day session. This convention adopted a territorial plan of government and elected Hugh N. Smith delegate to congress.<sup>42</sup>

Smith hastened to Washington, arriving there in time to present his petition to the house on January 3, 1850. If he anticipated immediate action, he suffered disappointment. His sponsor, Representative Edward Baker of Illinois repeatedly attempted to bring the petition before the house, but on April 3, the committee on elections reported that it recommended unfavorable action on the Smith petition.<sup>43</sup> Not until the middle of July, however, did the house officially refuse to seat Smith.

While Smith was awaiting action on his petition, he

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41. Richardson, *Messages and Papers of the Presidents*, V, 18-19.

42. *Journal of New Mexico Convention of Delegates to Recommend a Plan of Civil Government, September, 1849* (Santa Fé, 1907), 7.

43. *Congressional Globe*, 31 Cong., I Sess., 94, 683, 1399, 1411.

continued his residence in Washington and made the acquaintance of Daniel Webster, who learned of his long residence in a slave state (Kentucky). Because of this fact, Webster reasoned that he was familiar with slave labor and with the natural conditions under which such labor would be profitable. With this background, and a knowledge of New Mexico "from end to end," Webster asked him if he would express his opinions in writing on the practicability of slavery in New Mexico, the extent of the institution already in that region, and what laws, if any, were already in force in the territory affecting slavery.<sup>44</sup>

In reply to Webster's request, Smith wrote on April 9, 1850:

New Mexico is an exceedingly mountainous country, Santa Fé itself being twice as high as the highest point of the Alleghanies, and nearly all the land capable of cultivation is of equal height, though some of the valleys have less altitude above the sea. The country is cold. Its general agricultural products are wheat and corn, and such vegetables as grow in the Northern States of the Union. It is entirely unsuited for slave labor. Labor is exceedingly abundant and cheap. It may be hired for three or four dollars a month, in quantity quite sufficient for carrying on all the agriculture of the territory. There is no cultivation except by irrigation, and there is not a sufficiency of water to irrigate the land. As to the existence at present of slavery in New Mexico, it is the general understanding that it has been altogether abolished by the laws of Mexico; but we have no established tribunals which have pronounced as yet what the law of the land in this respect is. It is universally considered, however, that the territory is altogether a free territory. I know of no persons in the country who are treated as slaves, except such as may be servants to gentlemen visiting or passing through the country. I may add, that the strongest feeling against slavery uni-

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44. Webster to Smith, Washington, April 8, 1850, in Webster, *Writings*, XII, 222-223.

versally prevails throughout the whole territory, and I suppose it quite impossible to convey it there, and maintain it by any means whatever.<sup>45</sup>

When the house finally declared its refusal to seat Smith, he issued a public letter to the people of New Mexico.<sup>46</sup> He assigned his defeat to the antagonism of southerners, who had not forgotten the memorial of 1848, in which the people of the territory had protested against the introduction of slavery.

With the issues that were facing congress, Smith's efforts to be seated were but a momentary distraction from the debates on slavery in the Mexican cession, slavery and the slave trade in the District of Columbia, a fugitive slave law, and the Texas-New Mexico boundary dispute. None was more bitterly debated in congress than the Texas boundary, and for that reason it is an interesting commentary that many writers of American history have treated it as of minor importance. Much that was said by leaders of both sections with respect to the Texas boundary in 1850 was repeated ten years later when the Union was about to disintegrate.

Among the first measures introduced in the senate as a solution to the Texas-New Mexico boundary was that by Senator Benton of Missouri, who opposed any Texan claim. He sponsored a bill that not only would have denied any Texan claim to New Mexico but would have greatly reduced the size of Texas. In return for this sacrifice of territory, Benton proposed giving Texas \$15,000,000.<sup>47</sup>

Another proposal was that of Senator Foote of Mississippi, who introduced a bill which among other features provided for the creation of the state of Jacinto out of Texan territory east of the Brazos River. In return for this, the western limits of Texas would extend to the Rio Grande. This bill was satisfactory neither to the Texans nor to those

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45. Smith to Webster, Washington, April 9, 1850, *Ibid.*, 223.

46. *Address of Hugh N. Smith of New Mexico to the People of that Territory* (Washington, 1850), Huntington Library Collections.

47. *Congressional Globe*, 31 Cong., 1 Sess., 165.

who opposed the creation of another state that would by its location favor slavery.<sup>48</sup>

Henry Clay was yet another who offered a solution to the boundary dispute. He proposed fixing the western boundary of Texas along the Rio Grande as far as El Paso or its vicinity and then eastward to an extent that would have deprived Texas of any of the disputed country north of El Paso. In the course of his remarks when introducing this measure, Clay said that in his opinion "Texas has not a good title to any portion of what is called New Mexico."<sup>49</sup> In answer to Clay's offer, Senator Rusk stated briefly that he would not consider the sacrifice of half of Texas as a peace offering to that portion of the Union which was bent upon the destruction of constitutional rights of the South.<sup>50</sup>

In July, 1850, President Taylor died, but the debate was stopped only momentarily. Daniel Webster became secretary of state for the new president, Millard Fillmore, and almost immediately was faced with a new angle in the boundary question. This referred to what the authorities in Texas regarded as interference by Colonel John Munroe, military governor of New Mexico, in Texan state affairs.<sup>51</sup> The governor of Texas, P. H. Bell, had early in the spring of 1850 sent Robert Neighbors to Santa Fé to perfect a county organization for that part of Texas.<sup>52</sup> According to Governor Bell, the military in New Mexico had prevented by their hostile action the projection of the commission. In a letter to President Taylor, the governor asked by what authority Munroe could encourage a state government for New Mexico on territory within the boundaries of Texas. He also asked the president if Munroe had the support of the administration in such action.

48. *Ibid.*, 166; see William C. Binkley, *The Expansionist Movement in Texas 1836-1850* (Berkeley, 1925), *University of California Publications in History*, XIII, 195-218.

49. *Ibid.*, 245.

50. *Ibid.*, 247.

51. Governor P. H. Bell to President Zachary Taylor, Austin, June 14, 1850, N. A., State Department Records, Miscellaneous Letters.

52. John Munroe to Major General R. Jones, Adjutant General, Santa Fé, March 15, 1850, N. A., War Department Records, A. G. O. Files.



President Fillmore assigned his secretary of state the task of replying to Governor Bell's letter of June 14, which had been addressed to President Taylor.<sup>53</sup> Webster neither admitted nor denied Texan claims to New Mexico, and stated that he did not regard the settlement of the boundary dispute within the province of the executive department. It was likewise true, he added, that the settlement of the dispute would not be made between the inhabitants of Texas and New Mexico but between Texas and the federal government. In his concluding paragraph, Webster said:

It [the boundary question] is a delicate crisis in our public affairs, not free certainly from possible dangers, but, let us confidently trust, that justice, moderation and patriotism, and the love of the Union, may inspire such counsels, both in the government of the United States and that of Texas, as shall carry the country through these dangers, and bring it safely out of them all, and with renewed assurances of the continuance of mutual respect and harmony in the great family of states.<sup>54</sup>

On the day following Secretary Webster's letter to Governor Bell, President Fillmore sent a special message to congress, in which he openly supported the New Mexico claim. After calling the attention of congress to the special session of the Texas legislature that had been called to determine officially the sentiment of the people, President Fillmore stated that should Texas feel the necessity of sending troops into the disputed area, he would be compelled to meet force with force.<sup>55</sup> On the same day, Winfield Scott, acting secretary of war, ordered 750 additional troops to New Mexico, ostensibly to protect the population from the recurring Indian attacks, but in all probability as a warning to Texas.<sup>56</sup>

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53. Millard Fillmore to Daniel Webster, Washington, July 25, 1850, N. A., State Department Records, Miscellaneous Letters.

54. Daniel Webster to P. H. Bell, Washington, August 5, 1850, N. A. State Department Records, Domestic Letters; also joint letter of Senators Houston and Rusk to Webster, Washington, August 1, 1850, Miscellaneous Letters.

55. Richardson, *Messages and Papers of the Presidents*, V, 67-73.

56. Winfield Scott to John Munroe, Washington, August 5, 1850, in Abel, ed., *Calhoun's Correspondence*, 164-165.

For a time it appeared that the boundary dispute would defeat the entire compromise. For this reason, the senate adopted a proposal made by Senator James A. Pearce that the Texas boundary dispute be eliminated from the compromise measures.<sup>57</sup> This, of course, was a most unsatisfactory outcome, because the question of establishing a civil government for New Mexico under such circumstances was left unanswered.

Although Senator Pearce had proposed the measure that had eliminated the boundary dispute from the compromise discussion, two weeks after this vote was taken, he again introduced a bill for the settlement of the boundary question. Both houses adopted this plan without much further discussion. According to this bill, which was approved by the senate on August 9, 1850, and by the house on September 6, the northern and western limits of Texas were established as they are today. In compensation for the relinquishment of her claim, Texas received \$10,000,000.<sup>58</sup> In November, the Texas legislature accepted the proposal and thus brought to an end a controversy which was perhaps the most difficult to adjust of the compromise measures of 1850.

In the compromise debates that had continued from December, 1849, until the following September, more consideration was given to the Texas boundary dispute than to the problem of civil government for New Mexico. The expediency, if not the legality, of organizing a permanent civil government in a region without fixed boundaries was questioned by some members of congress. Certainly statehood could not be granted under such circumstances, and even a territorial government would present serious obstacles. However, New Mexico's political status was recurrently a subject of debate. In attempting to settle this problem, congress was faced not only with a boundary dispute but with the slavery issue for New Mexico. Could any

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57. *Congressional Globe*, 31 Cong., 1 Sess., Appendix, 1479.

58. Act of September 9, 1850, *U. S. Statutes at Large*, IX, 446-447.

compromise be reached if the North insisted upon the principle of the Wilmot Proviso for this region?

Daniel Webster, who had regarded unhappily the Polk program of territorial expansion, believed that no compromise could be reached if the no-slavery doctrine were adopted by congress. The South would never consent to it, he knew, but at the same time, he expressed his opinion that slavery was actually no issue because "by a law even superior to that which admits and sanctions it in Texas . . . the law of nature," slavery could never be profitable in New Mexico.<sup>59</sup> Not all members of congress were in full agreement with Webster. Horace Mann, a member of the house, issued a public letter in which he expressed the view that although New Mexico might not be suitable for the application of slavery in agricultural pursuits, slaves could be used in mining, as they had been employed in the past by the Spaniards. Mann maintained that gold was now being mined within twenty-five miles of Santa Fé and that production could be greatly increased. Furthermore, he said that reports from responsible travelers affirmed that New Mexico could conceivably support a population of seven million. Under such conditions Mann believed that thousands of negroes would be useful as household servants and field workers. New Mexico, he continued, might become a most advantageous place for the breeding of negroes, with the prospect of excellent markets in Texas and Louisiana.<sup>60</sup>

Henry Clay, like Daniel Webster, counselled for compromise, and favored territorial status without reference to slavery. This he recommended in a series of resolutions introduced on January 29, 1850.<sup>61</sup> A few days later, in an address before the senate, he said that the people of the North already had in New Mexico what was worth a thousand Wilmot provisos, for they had nature itself on their side. It was, however, he said, necessary to institute

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59. *Congressional Globe*, 31 Cong., 1 Sess., 480.

60. *Horace Mann's Letters on the Extension of Slavery into California and New Mexico and on the Duty of Congress to Provide the Trial by Jury for Alleged Fugitive Slaves*, pamphlet (Washington, 1850).

61. *Congressional Globe*, 31 Cong., 1 Sess., 244-246.

a territorial government for New Mexico, because the people there were operating under a system that they had described as "temporary, doubtful, uncertain, and inefficient in character and operation."<sup>62</sup> Although he did not so express himself during this speech, Clay did not favor the administration policy of statehood for New Mexico, and on a later date, characterized the proposal as "ridiculous" and "farcical."

The arguments of Webster and Clay appealed to the practical judgment of the members of both houses. When on August 15, 1850, the vote was finally taken in the senate on the territorial bill for New Mexico, it passed by a vote of 27 to 10.<sup>63</sup> On September 6, when this was attached to the Texas boundary bill, it passed the house by a vote of 108 to 97.

A few days after the passage of this measure, Richard H. Weightman arrived in Washington, bringing with him a constitution for the proposed State of New Mexico. Weightman was a senator-elect from that "state." Taylor's agents, particularly Colonel George McCall, had succeeded in bringing this program into effect, and although any idea of statehood vanished in congress with the death of President Taylor, the constitution had been adopted and elections held before the announcement of his death reached New Mexico.

After its establishment as a territorial government, little interest from a national viewpoint was taken in New Mexico until shortly before the Civil War. Occasionally, during the decade after 1850, minor political differences within the territory were brought to the attention of congress, but they never provoked lengthy discussion or became major issues for debate.

As far as public interest east of the Mississippi was concerned, New Mexico was forgotten. No gold strikes brought hurrying immigrants in that direction; no rich valleys presented opportunities for home seekers; only a semi-arid country, inhabited mostly by hostile Indians and

62. *Ibid.*, 293; Appendix, 119-120.

63. *Congressional Globe*, 31 Cong., 1 Sess., 1589.

illiterate Mexicans was the picture visualized by those millions of Americans who had not ventured westward.

Although this was the sentiment of most Americans, the inhabitants of New Mexico, particularly those of Anglo-American origin, were unwilling to be forgotten so readily. In their efforts to establish civil government, they engaged in factional quarrels. Fundamentally, these evolved from attempts to introduce into the territory conflicting conceptions of social and economic practices, alien to the native inhabitants.

*(to be continued)*