American El Paso: The Formative Years, 1848–1854

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The El Paso area is the product of two cultural traditions—the Spanish-Mexican North and the Anglo-American Southwest. The two divide in the year 1848, when the Rio Grande became an international boundary. During the Spanish and Mexican periods, the area remained largely agricultural in character and consisted of six settlements established along the right bank of the Rio Grande—El Paso del Norte, San Lorenzo, Senécú, Ysleta, Socorro, and San Elizario. With the exception of the ranch owned by Paseño aristocrat Juan María Ponce de León, little development had taken place north of the river. In the early 1830s the shifting Rio Grande had formed a new channel south of the old one, placing Ysleta, Socorro, and San Elizario on what was known as “the Island.” In accordance with the Treaty of Guadalupe Hidalgo of February 2, 1848, which officially ended the war between the United States and Mexico, the Rio Grande became an international boundary between the two nations up to the point where the river struck the southern boundary of New Mexico. All territory north of the river thus became a part of the United States, and El Paso del Norte, the largest of the settlements south of the river, became a border town.¹

To the California emigrants of 1849 who braved hundreds of miles of the vast dry plain of western Texas, a region virtually without timber, grassland, or water, El Paso del Norte, with its cottonwood trees, gardens, vineyards, town plaza, adobe structures with thick walls and shaded entrances, must have seemed like a true oasis in the desert. Overnight the gold rush brought in hordes of adventurers, opportunists, and characters larger than life, transforming the quiet, sleepy

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little community of El Paso del Norte into a bustling, brawling frontier crossroads. It has been described as "the last place to rest, purchase supplies, ask directions, secure passports," and refresh dehydrated bodies with generous allotments of "Pass whiskey." The gold rush brought in everything from the desert—discharged soldiers, outlaws, wife deserters, debtors, and El Paso's first Anglo female resident. Known as "the Great Western," this six-foot amazon, who possessed more than adequate physical endowments, was "as generous with her affections" as she was handy with a gun.2

By late 1849 five Anglo-American settlements had been founded, roughly a mile or two apart, along the left bank of the Rio Grande. The first and northernmost was Frontera, established in 1848 by T. Frank White, who built a trading post there to reap profits from the old Chihuahua–Santa Fe trade, coupled with the new traffic of gold seekers passing through on their way to California. The four other settlements, founded by the end of 1849, were El Molino, the flour mill of Mexican War veteran Simeon Hart; the mercantile store of Benjamin Franklin Coons, located on the ranch that he purchased from Juan María Ponce de León; Magoffsinsville, east of Coons's property, where James Wiley Magoffin entertained in his traditional elegant manner; and the property of Hugh Stephenson, which was later called Concordia.3

Moreover, the old Mexican settlements of Ysleta, Socorro, and San Elizario on the Island were declared to be within the jurisdiction of the United States. In accordance with the Treaty of Guadalupe Hidalgo, which stated that the international boundary should follow "the deepest channel," American officials in 1848 ruled that the southern channel was the deepest one and that therefore Ysleta, Socorro, and San Elizario were in United States territory. Mexican protests proved futile.4

In 1848 T. Frank White of Frontera was appointed prefect by Colonel John M. Washington, military governor of New Mexico, and in November of that year White was directed to extend his jurisdiction over the territory north and east of the river, which had formerly


been a part of Chihuahua. In early 1849 White removed local Mexican officials, made his own appointments, and warned Mexicans south of the river not to trespass on American territory. In February, 1849, the prefect of El Paso del Norte reported that an armed force of the United States had occupied Ysleta, Socorro, and San Elizario, and had taken possession of the *ejidos*, or communal land holdings, and the woods belonging to the three towns. In vain Mexican officials, both state and local, protested the seizure of the *ejidos* and woods, and the unilateral action taken by the United States in determining the boundary. Thus, by the end of 1849 there were eight settlements north of the river—the five established by White, Hart, Coons, Magoffin, and Stephenson, together with the three Mexican settlements that the shifting river had placed on the American side. A bilingual, bicultural, binational complex was taking shape at the Pass of the North.5

By late 1848 there were a number of compelling reasons for establishing a U.S. military post on the Rio Grande—the defense of the new boundary, the protection of settlers against Apache attacks, and the maintenance of law and order, which had become increasingly difficult with the arrival of hordes of California immigrants. A recommendation of Secretary of War William L. Marcy in July, 1848, that a post ought to be established on the north side of the Rio Grande opposite El Paso del Norte, was at length implemented with the arrival of six companies of infantry from San Antonio on September 8, 1849, under the command of Major Jefferson Van Horne. Two companies were stationed at San Elizario, and four were quartered across the river from El Paso del Norte on Benjamin F. Coons's ranch, a post called the Post Opposite El Paso.6

Van Horne and his superior officer in Santa Fe, Brevet Colonel John Munroe, agreed that the boundary between the eighth and ninth military districts was the thirty-second degree of latitude, running in an east-west direction on both sides of the Rio Grande about twenty miles north of El Paso del Norte. But on the matter of whether the civil jurisdiction of New Mexico or that of Texas should prevail in the area between the thirty-second parallel and the Rio Grande, Van

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5Ibid., 26-28; Strickland, *Six Who Came to El Paso*, 11.
Horne said he needed clarification, since he had been called upon to sustain the laws of both states by different individuals. At length, on December 28, 1849, Van Horne was ordered to sustain the civil jurisdiction of the Territory of New Mexico “until such time as Texas shall officially assume civil jurisdiction, or the Congress of the United States finally settle the boundary between Texas and New Mexico...” 7

As to the establishment of a permanent site for the military post in the area, both Van Horne and his commander at San Elizario, Captain William S. Henry, favored the old presidio. Benjamin F. Coons, described by Van Horne as a “shrewd, enterprising man,” was charging the army $250 per month, soon to be increased to $350 on the completion of certain additions and improvements. On the other hand, said Van Horne, the rent for the hospital and officers’ quarters at the Presidio of San Elizario was much less. Moreover, Van Horne believed that the old presidio, established by Spanish officials in 1789, could be repaired partially and rebuilt with little expense. With a few adjacent buildings which could be hired or bought on moderate terms, he said, the presidio could be made to quarter four or even six companies much better than existing facilities on Coons’s property. Wood was plentiful, grazing was good around San Elizario, and the people there were orderly and well behaved. Finally, Van Horne pointed out that if the troops were stationed at the old presidio, they would be “removed from the wretched hordes of gamblers, drunkards, and desperadoes in El Paso del Norte.” 8

Van Horne's plan to locate the permanent post at San Elizario, however, encountered opposition from several quarters. Captain Thomas L. Brent of the quartermaster corps said that the site was low and subject to overflow water, at that time standing in numerous stagnant pools. Moreover, he said that the old barracks were in a most dilapidated state, and that even if they were repaired, they would accommodate only two companies. Lastly, Captain Brent said he could see no military advantages in the San Elizario site.9

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9Thomas L. Brent to Assistant Adjutant General, 9th Military Department, Nov. (?), 1849, Office of the Commissary General and Office of the Quartermaster General (NA, Santa Fe).
Strong opposition to Van Horne’s plan came also from the merchants of the area. Under the leadership of James W. Magoffin, they drew up a petition pointing out that any removal of troops would leave the major routes through the Pass of the North completely unprotected, expose United States citizens to Indian depredations, and endanger property valued at $300,000. All law and order would break down, the merchants argued, and the area would soon become victimized by the large band of outlaws of all nations at that time infesting El Paso del Norte. This point in particular was emphasized by Colonel Emilio Langberg, the commander of the El Paso del Norte garrison, who said that it would be impossible for the small number of troops under his command to protect the settlers from the Indians and the marauders. As a result, for the time being at least, the four companies of infantry remained on the property of Benjamin F. Coons, and the two companies at San Elizario were left at the old presidio.\(^\text{10}\)

Captain William S. Henry, the commanding officer of San Elizario, strongly urged that it be established as a permanent post, pointing out that the presence of troops there had given the residents a feeling of security and had served as a tremendous impetus in increasing agricultural production and stockraising. “The inhabitants are nervously anxious to know whether this protection is to be continued,” he said, adding that many were refusing to make any improvements owing to the uncertainty, while others were leaving and settling on the Mexican side of the river. The old presidio, he pointed out, offered numerous advantages for the construction of a permanent garrison for two companies of infantry. But the authorization that Captain Henry sought never came.\(^\text{11}\)

In the 1849–1851 period the four American settlements of Hart’s Mill, Coons’s Ranch, Magoffinsville, and Stephenson’s Ranch endured, and the proprietors played roles of great importance in the development of the area. Frontera, located about eight miles above El Paso del Norte, did not survive. Although White established a customhouse there and collected duties on merchandise and livestock coming from Mexico, his hope that a military post would be established at Frontera failed to materialize. As a result, when United States

\(^{10}\)Petition of James W. Magoffin, et al., Nov. 20, 1849, ibid.; Emilio Langberg to Van Horne, Nov. 20, 1849, ibid.

\(^{11}\)William S. Henry to Assistant Adjutant General, 9th Military Department, Feb. 20, 1850, ibid.
Boundary Commissioner John R. Bartlett arrived in the area in November, 1850. White offered him the option of buying Frontera for $3,000, or title to two acres of land for one dollar and the buildings for a rental fee of $65 a month so that an observatory for the commission could be erected there. Bartlett accepted the second option and built an observatory which the commission used during 1851. By that time White had ceased to be the political influence in the area that he had been in the 1848–1850 period.¹²

Simeon Hart established his flour mill, El Molino, late in 1849, and several years later built his residence, which is still standing. Commissioner Bartlett called Hart’s mill “a fine establishment,” while another described the house, “built in the Mexican style,” as “large and convenient, [containing] every luxury and comfort of home,” a principal attraction being the private library. Here Hart and his wife Jesusita provided accommodations for weary travelers and entertained in a charming and gracious manner.¹³

Hart signed his first contract with the army on March 28, 1850. It provided that he would furnish flour in an unspecified quantity for one year to the posts of Doña Ana, El Paso, and San Elizario for eleven cents a pound. Much of Hart’s flour had to be imported from his father-in-law’s mill at Santa Cruz de Rosales, since the mill on the Rio Grande remained a comparatively small operation for some time. Hart was not satisfied with the agreement and asked to have his contract extended to three years and expanded to include all military posts in Texas as far east as Eagle Pass, pointing out that he had spent $25,000 for machinery, a wheat crop, and the purchase of teams. In 1851 Hart got another contract to furnish flour to the same three posts, plus the escort to the United States–Mexico Boundary Commission, at twelve and a half cents per pound. Here again Hart wanted more, even though he always received more for his flour than any of the other major producers. Hart strongly protested the removal of troops from the Post Opposite El Paso and San Elizario to Fort Fillmore, bringing forth the comment from an officer, “It is not unreasonable to suppose


¹³Bartlett, Personal Narrative, I, 191 (1st quotation); W[illiam] W. H. Davis, El Gringo; or, New Mexico and Her People (1857; reprint ed., New York, 1973), 376 (2nd and 3rd quotations); Strickland, Six Who Came to El Paso, 37.
that the removal of the troops interfered very much with his interests and expectations."\(^{14}\)

To the east of Hart's Mill lay the property of Benjamin Franklin Coons, who purchased it from Juan Maria Ponce de León of El Paso del Norte, probably in the summer of 1849. Known as Coons's Ranch, it contained an adobe house and several other buildings. Major Jefferson Van Horne, commander of the six companies of the Third Infantry that arrived on September 8, 1849, found the facilities on Coons's Ranch to be the most suitable in the area. Coons therefore leased the main buildings and six acres of land to the army as a military post. Shortly after, Coons erected new buildings, including a tavern, warehouse, stables, and corrals, just west of the army post to house his mercantile enterprises.\(^{15}\)

Early in 1850 Coons went to San Antonio, where he immediately impressed the merchants with the advantages of a trade route across Texas in comparison with the road from Missouri to Santa Fe and El Paso del Norte. The trip from Independence, Missouri, to El Paso del Norte, he pointed out, took eighty days, while the trip from San Antonio could be done in fifty. The annual trade with Chihuahua, he emphasized, amounted to 625 tons of freight worth $625,000. Coons then entered into partnership with Lewis and Groesbeeck, well-known commission merchants, with the object of obtaining a major part of the freight business between San Antonio and El Paso del Norte in the transportation of military supplies to the Post Opposite El Paso.\(^{10}\)

Coons ran into all sorts of problems toward the end of the summer of 1850, resulting in tremendous financial losses. A train of 300 teams left San Antonio around the middle of April, but four months later it was still 250 miles short of its destination. As it entered the trans-Pecos region water became scarce, the grass was parched, and the teamsters, many of whom were rogues, fugitives, and footloose ex-soldiers of the Mexican War, became extremely troublesome. Learning of these details, Major Van Horne on September 1 wrote his superior that while part of the train might reach its destination by September 10, "the remainder God knows when." "The oxen are perishing," he continued, "and Coons' train is in wretched condition, he himself

\(^{14}\)Robert W. Frazer, "Purveyors of Flour to the Army: Department of New Mexico, 1849–1861," *New Mexico Historical Review (NMHR)*, XLVII (July, 1972), 220, 221 (quotation), 222.

\(^{15}\)Bowden, *The Ponce de León Land Grant*, 5, 6, 46.

\(^{10}\)Strickland, *Six Who Came to El Paso*, 14, 15.
doubtful whether it will ever reach here." One month later Van Horne wrote that the whole system of transporting supplies seemed very defective. Much of the merchandise had been damaged, and the teamsters had used government supplies for their own subsistence.17

Adding to Coons's problems was a transaction he had made with a notorious adventurer named Parker H. French. On August 18 Coons sold 18 wagons, 176 mules, and 2 horses to French for the tidy sum of $17,720.95, but the bills of credit drawn on Aspinwall and Howland of New York that Coons received turned out to be forgeries. The last segments of Coons's train finally arrived late in November, but Van Horne reported that it was of very inferior quality, and that the hard bread, bacon, and pork was unfit for use. So much had been consumed by the command escort, combined with the demands likely to be made by starving Indians, Van Horne added, that the supply was very short and would not last long.18

Realizing that the whole enterprise had been a complete failure, Coons sold twelve wagons to George Wentworth for $3,000 in October to stave off his creditors, and then left for California. Here he was able to repair his fortunes somewhat, possibly with the help of a loan from his brother, and in early 1851 he returned to the El Paso area. By this time Coons's Ranch was occasionally called Franklin, presumably after his middle name, and it was usually called this for another decade or so, even though a post office was established in 1852 naming the settlement El Paso, Texas.19

Coons had been back in the El Paso area only a short time before he began to run into more hard luck. On July 12, 1851, Major Electus Backus recommended the removal of troops from the Coons's Ranch site, which he had found objectionable for a number of reasons. He wrote:

The unusual expenditures to which the government has been subjected at this post have induced me to inquire into some of the most prominent causes which have produced them and to search for an appropriate remedy. A brief examination has satisfied me that the position

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17Van Horne to Roger Jones, Sept. 1, 1850, Records of the War Department, Office of the Adjutant General, Record Group 94, Selected Letters Received from Major Jefferson Van Horne, National Archives (microfilm copy in the University of Texas at El Paso Special Collections and Archives); Van Horne to Jones, Oct. 1, 1850, ibid.

18Van Horne to Jones, Nov. 21, Dec. 27, 1850, ibid.; Strickland, Six Who Came to El Paso, 21–23.

occupied by the troops tends greatly to augment these expenditures, and that by removing them up or down the river a few miles only, you will add to the safety, health, and comfort of the troops, and seriously diminish the unnecessary outlay of funds.\textsuperscript{20}

The major then proceeded to list his objections to the location: 1) it was not defensible even against musketry; 2) it afforded no appropriate accommodations for troops, and the annual rent, which had been increased to $4,900, he called “an exorbitant charge”; 3) it afforded neither fuel nor grazing, and the army was paying $6,160 a year for wood and $7,000 for hay; 4) it afforded no timber; and 5) it afforded no opportunities for farming. The major concluded by saying that adequate protection of officials and settlers in the area could be accomplished by one officer, fifteen men, a good guardhouse, an acre or two of land, and some fast horses.\textsuperscript{21}

Word of the possible withdrawal of troops spread rapidly around the area, causing conditions bordering on panic. Under the leadership of Charles W. Ogden and Simeon Hart, a petition was prepared protesting the move and signed by twenty-one of the local citizenry. Furthermore, Ben Coons, in an interesting document dated August 26, 1851, proposed to furnish the quarters and grounds then occupied by the troops free of rent for one year. He said he would also provide space for the erection of barracks and storehouses, and 250 acres of farmland to be selected by the commanding officer, to be occupied by the troops free of all charges and rents for twenty years. At the end of that period of time the property was to revert to Coons or his heirs, with the United States having the privilege of purchasing the property at a valuation agreeable to both parties. Coons was thus making every effort to cooperate with the local merchants, even at a great personal sacrifice. Although the local commander, Major Gouverneur Morris, recommended that the proposal be accepted, his superior in Santa Fe rejected it, and the troops were moved in September, 1851, to Fort Fillmore, some forty miles to the north.\textsuperscript{22}

With the loss of income from the army, Coons was unable to make the payments on his property, with the result that Juan María Ponce

\textsuperscript{20}Electus Backus to Lafayette McLaws, July 12, 1851 (NA, Santa Fe).

\textsuperscript{21}Ibid.

\textsuperscript{22}Charles W. Ogden et al. to Edwin V. Sumner, Aug. 4, 1851, ibid.; Benjamin F. Coons to Sumner, Aug. 26, 1851, ibid.; Gouverneur Morris to Don Carlos Buell, Aug. 27, 1851, ibid; L. Statement of Indian Depredations,” Oct., 1853 (?), Robert W. Frazer (ed.), Mansfield on the Condition of the Western Forts, 1853-1854 (Norman, 1963), 70.
de León repossessed it. On his death in 1852 the property passed to his wife and daughter, who sold it within a year to William T. Smith for $10,000. By that time Coons had once again returned to California.23

To the east of Coons's Ranch, or Franklin, was Magoffinsville, established in 1849 by the veteran Chihuahua trader James W. Magoffin. Known as “the American El Paso,” it consisted of a group of large, well-built adobe structures erected around an open square. The buildings were used as stores and warehouses and were filled with merchandise. The property was well situated about half a mile from the river and was watered by an acequia which ran through the square. Here Magoffin built a mansion of hacienda proportions where he frequently hosted army officers and government officials, entertaining them in the grand manner. “With ‘delicacies prepared in New York and Paris for the foreign markets,’ he could serve ‘a cold collation . . . that would have done credit to the caterer of a metropolitan hotel.’” John R. Bartlett, the boundary commissioner, stayed at Magoffinsville for a while, and on one occasion gave a party there which lasted all night. “It was a success, even to four great ‘new-fashioned chandeliers improvised for the occasion’ out of sardine tins fixed to a hoop off a pork barrel, wrapped with Apache calicoes and supplied with a ‘dozen burners each,’ that ‘shed such a ray of light upon the festal hall, as rendered the charms of the fair señoritas doubly captivating. . . .’” Bartlett predicted that Magoffinsville would remain the center of American settlements in the El Paso area.24

Magoffin’s merchandising and livestock activities, supplemented by income from a ranch known as Canutillo about fifteen miles to the north, brought him a fortune, although his efforts to levy tolls on salt mines in southern New Mexico in which he had an interest met with little success. He furnished Bartlett’s commission with food, clothing, and supplies, for which he received a sum totaling more than $5,500, which was deposited in his account with the firm of Wood, Bacon, and Co. in Philadelphia. On the other hand, Magoffin suffered great losses of livestock because of Indian depredations. They raided his corrals at Magoffinsville, and on one occasion he wrote that he had lost, over a period of seven months, sixty mules taken within 150 yards of his house, and that they had raided his ranch twice and had taken

23Bowden, The Ponce de León Land Grant, 6–8.
all his cattle and farm animals. This naturally gave rise to the formation of citizens’ committees and the drafting of petitions to state and national authorities demanding relief and protection. But none would be forthcoming for another two years.25

To the east of Magofinsville was the property of Hugh Stephenson, of Chihuahua mining fame. It was situated on that part of an estate belonging to his wife’s family that the shifting Rio Grande had placed on the north side. Stephenson had extensive silver mining and livestock interests, and was the first to prospect in New Mexico and develop systematically its mineral resources, particularly in the Organ Mountains. On his property in the El Paso area, which by 1852 had come to be known as Concordia, he erected a number of buildings, and his home was large and comfortable, though perhaps not as pretentious as Magoffin’s or Hart’s. Like Magoffin, Stephenson suffered heavy losses from Indian hostilities and depredations after the army troops were withdrawn from the El Paso area. He took a leading role in organizing the citizenry and drafting petitions to relieve a situation that was completely out of hand. His own livestock losses, as he indicated in a letter to the local committee, came to more than $3,000.26

The creation of a border situation at the Pass of the North necessitated the establishment of consulates and customhouses by the United States and Mexico. In May, 1849, John S. Lucas was named United States consul at El Paso del Norte, and about a year later Manuel Armendáriz was appointed Mexican consul at Franklin. Naturally, there were numerous problems concerning passports, cartas de seguridad (safe-conduct passes), and rights of foreigners living in Mexico, all of which brought frequent misunderstandings, and which strained relations most of the time. Failure to comply with the many and varied Mexican regulations would result in a fine, or imprisonment, or forcible expulsion from the country.27

25Strickland, Six Who Came to El Paso, 30–32; Bowden, Spanish and Mexican Land Grants, 94, 95; James Magoffin to Bartlett, Apr. 24, 1853, Bartlett Papers; Bartlett, Personal Narrative, II, 384; Magoffin to the Committee of El Paso County, Aug. 5, 1852, Governors’ Papers; Peter H. Bell (Archives Division, Texas State Library, Austin); Hugh Stephenson et al. to Millard Fillmore, Dec. 20, 1851, ibid.

26Bartlett, Personal Narrative, I, 192, 193; Roscoe P. Conkling and Margaret B. Conkling, The Butterfield Overland Mail, 1857–1869 . . . (3 vols.; Glendale, Calif., 1947), II, 82; Stephenson to the Local Committee, Aug. 5, 1852, Governors’ Papers: Bell.

27James D. Lucas to John M. Clayton, May 18, 1849, Despatches from United States Consuls in Ciudad Juárez (El Paso del Norte), 1850–1906, General Records of the Department of State, Record Group 59, National Archives (microfilm); Joaquín de Arellano
On one occasion in 1850 when the *jefe político* of El Paso del Norte stated that no passports would be honored in Mexico unless issued by the Mexican consul in Franklin, it brought forth some strong language from James A. Lucas, who was serving as acting consul while his brother John was on leave. "You are denying me the right as Consul of the United States to grant passports to American citizens," he wrote the *jefe político*, adding, "I would ask of you what purpose the President of the United States has placed a consul in El Paso del Norte if it is not to assist his countrymen and to see that their rights are protected." At length, an arrangement was worked out whereby the Mexican consul in Franklin would issue passports, but they would be required only of Americans traveling into the interior of Mexico. While passports thus would not be required of Americans in El Paso del Norte, they would be expected to register with the Mexican authorities.28

Consul John Lucas served until mid-1851, when he was replaced by David R. Diffenderffer. About the same time, Juan N. Zubirán was named consul at Franklin. Diffenderffer's correspondence indicates that he found the position difficult and frustrating. For one thing, he wrote Secretary of State Daniel Webster that he had received the seal and press, but that the consulate was entirely destitute of the necessary flag, coat of arms, and pertinent documents such as laws and treaties. After more than a year had passed, Diffenderffer was still writing that he had never received any communication from the Department of State and that the consulate in El Paso del Norte had never received the requisite papers and documents necessary to conduct business. "On many subjects," he said, "I am left completely in the dark. . . ." After two years on the job, Diffenderffer's situation still had not improved, so in desperation he wrote Secretary of State William Marcy, stating that the consulship in El Paso del Norte was not a sinecure, that it involved a great deal of work and responsibility, and that unless the

28J. A. Lucas to the *jefe político* of Canton Bravos, June 18, 1850 (Juárez Archives, UTEP); David R. Diffenderffer to the *prefecto* of Canton Bravos, May 25, 1852, ibid.; Diffenderffer to Marcy, Mar. 1, 1854, Despatches from United States Consuls in Ciudad Juárez.
new administration took steps to help him protect American citizens, he would have to tender his resignation.29

Because of the prevailing frontier conditions during the 1850s, the lack of an effective civil authority, and the clash of cultural and legal traditions in this border environment, it was rare indeed when there was not an incident of some sort, usually featuring mob action and a generous display of pistols and knives. A considerable number of cases involved army deserters and criminals from each country attempting to escape to the other.30

One of the most serious incidents concerned an American citizen named James Magee, whose cattle were stolen and taken across the Rio Grande. While attempting to recover the stolen livestock on the Mexican side of the river, Magee was arrested and thrown in jail. All attempts to secure his release failed, and the jeje político of El Paso del Norte, after first promising to free Magee for $100, then changed his mind. With that, an armed band of Americans crossed the river and laid siege to the jail. They were repulsed and driven back across the river, having lost one killed and another mortally wounded. Magee was carried off to Chihuahua, and Diffenderffer came under considerable fire for failing to obtain Magee’s release. A Dr. James Tucker charged the consul with being a weak and “illiterate man, [a] man destitute of moral worth or character, whose counsel [is] his wife and whose wife has been a public prostitute in El Paso for 15 or 20 years past. It is a fine thing indeed that a greaser woman should be consul for Americans.” But Diffenderffer stayed at his post; early in 1855 he again wrote the Department of State saying that the consulate still had not received the flag, the coat of arms, or the necessary documents.31

During the Mexican period, 1821-1848, El Paso del Norte had become an important commercial center in the Santa Fe–Chihuahua trade along the historic Camino Real. The volume of the United States trade had significantly increased during the period, from $22,000

29Diffenderffer to Daniel Webster, Aug. 1, 1851, Despatches from United States Consuls in Ciudad Juárez; Diffenderffer to Volney E. Howard, Dec. 8, 1852 (quotations), ibid.; Diffenderffer to Marcy, July 23, 1853, ibid.; Juan N. Zubirán to the jeje político of Canton Bravos, Aug. 20, 1851 (Juárez Archives, UTEP).

30Zubirán to the jeje político of Canton Bravos, November (7), 1851 (Juárez Archives, UTEP); Diffenderffer to Marcy, Feb. 1, Mar. 1, 1854; Diffenderffer to Edward Everett, Jan. 18, 1853, Despatches from United States Consuls in Ciudad Juárez.

worth of goods in 1822 to approximately $1,000,000 in 1846. Because of this, a customhouse had been established in El Paso del Norte in 1835, charged with the inspection of cargoes, seizure of contraband goods, enforcement of prescribed procedures and regulations, and the collection of duties on merchandise brought from the United States.32

The establishment of the Rio Grande as a boundary, followed by high protective tariff duties levied on American goods by Mexican officials, brought a significant decline in commercial activity in the El Paso area and marked the end of an era. Although T. Frank White of Frontera had established a customhouse and collected duties on goods from Mexico, as has been noted, apparently an American customs collector for the El Paso area was not appointed until 1854. In that year Caleb Sherman became the first collector of customs in the El Paso district and received authorization to appoint mounted inspectors to patrol the border. That the volume of trade continued to impair American interests was noted by Consul Diffenderffer, who wrote in March, 1854, that while American imports of Mexican wine, brandy, sugar, soap, rebozos, fruits, leather goods, and cigars amounted to between $60,000 and $70,000 annually, American goods attempting to enter Mexico encountered high duties which were virtually prohibitive. In the same despatch Diffenderffer said that the volume of goods entering Mexico during 1852 and 1853 amounted to less than 50 percent of what it had been during 1850 and 1851. Moreover, in a despatch the following year he wrote that the aggregate value of American exports into El Paso del Norte during 1851–1853 was about $150,000, the duty on these goods amounting to $60,000. It was evident that a commercial revolution had taken place on the Rio Grande.33

The appointment of T. F. White of Frontera as prefect over the area north and east of the river by Colonel John M. Washington, military governor of New Mexico, placed that territory in a favorable position to extend its jurisdiction there. On the other hand, since 1836 Texas had claimed all territory east of the Rio Grande. But when Major Jefferson Van Horne, on September 23, 1849, wrote for instructions on


the matter of civil jurisdiction in the area, he was told by Colonel John Munroe, who had replaced Colonel Washington in Santa Fe as commander and ex-officio governor, that the military authority should sustain the civil jurisdiction of the Territory of New Mexico, and aid her officials in the execution of their duties until such time as Texas should assume civil jurisdiction, or until the boundary between Texas and New Mexico should be finally settled.34

In the meantime, as more Anglo-Americans moved into the El Paso area in late 1849, complaints about the existing situation became increasingly numerous and vociferous, and many began to look to the state of Texas for relief. One of them, Charles A. Hoppin by name, wrote Texas governor Peter H. Bell from San Elizario on January 3, 1850:

We are here[,] sir[,] situated in a beautiful valley containing from 1,000 to 1,500 inhabitants—the majority of whom are Mexicans, but Americans are daily coming in, and but few years will elapse before this island will become an important point from its position[,] fertility of soil[,] & abundant production. It will teem with inhabitants—To whom does it belong[?] If to Texas then[,] sir[,] Texas ought to give its citizens dwelling her [sic] the protection of her laws. Now we are in a region without law. Tis true there is a prefect residing some miles above El Paso & there [are] in each of the small towns up on the island Alcaldes appointed by him. The Prefect receive[d] his appointment from the Governor of the Territory of New Mexico, but what laws govern the decisions of the Alcaldes I know not. I presume each one selects such a code as best suits him. Here the Alcalde[,] a very worthy Mexican[,] is governed by the Laws enacted by the state of Chihuahua. We have no Magistrates[,] no Sheriffs[,] no Judges[,] no Courts. A case has just now arisen which exhibits [?] so clearly the situation in which we are placed that I have felt it a duty I owe to Law abiding citizens to present it to you. An American has been arrested and now is in the Guard House here charged with the revolting crime of rape. How can he be tried[?] If he is brought before an Alcalde has he the power of punishing if the charge is proven[?] An American Citizen is entitled to a jury trial. Who can summons [sic] the jury[?] Who gives sentence[?] Who is authorized to execute the sentence if given[?] You see[,] sir[,] the necessity of organizing Courts for this part of the state[,] The people wish it and it is their right to ask it. If this is not a part of Texas[,] then from New Mexico they must ask the protection of Civil Laws.

The organization of a county with the appointment of Magistrates and

Judges would have a highly beneficial effect upon the population here[.]

Let me ask you to confer upon me a great favor. I would be glad to receive a copy of the Laws of Texas. I do not think there is a copy this side of San Antonio[,] & important questions will arise requiring reference to the statutes. If you see fit to send it[,] direct it to the care of the "Officer Commanding[,] Post Opposite El Paso." 35

Actually, by the time Hoppin presented the case of the early Anglo-American settlers, Texas had already decided to renew its old claim to everything east of the Rio Grande and to make its bid for the El Paso area. In his message of December 26, 1849, Governor Bell called for the organization of western counties and the immediate extension of Texas's jurisdiction there, pointing out that many of the inhabitants had already made known their desire to be brought under the protection of the state. The legislature quickly responded, and on December 31, 1849, it designated new boundaries for Santa Fe County, reducing its size, while creating the three new counties of Presidio, El Paso, and Worth. 36

On January 3, 1850, Governor Bell appointed Major Robert S. Neighbors commissioner to organize the counties and to hold elections for county officers. Neighbors, who was familiar with the area he was commissioned to organize, having visited it a year before as a member of an exploratory expedition, left Austin on January 8, 1850, and reached San Elizario in early February. He circulated a proclamation of Governor Bell explaining the history of Texas's claim to the region, and he called upon all citizens to assist him in organizing the county. On February 23, 1850, Neighbors wrote Colonel John Munroe at Santa Fe of his arrival in the El Paso area for the purpose of extending the civil jurisdiction of Texas, and announced his intention to come to Santa Fe after he had organized El Paso County. He added that he had encountered no opposition, that he had issued writs of election, and that he was proceeding with the organization of the county, which extended from sixty miles below El Paso to twenty miles above San Diego, and east to the Pecos River. 37

In elections held on March 4, 1850, 765 votes, according to one

35Charles A. Hoppin to Peter H. Bell, Jan. 3, 1850, Governors' Papers: Bell.
37Bell to the Senate, Jan. 3, 1850, Governor's Papers: Bell; Kenneth Franklin Neighbors, Robert Simpson Neighbors and the Texas Frontier, 1836-1859 (Waco, Tex., 1973), 87-89.
Proposed Organization of West Texas Counties—1849

--- County Boundaries

Scale 0 50 100 150 200 MILES

Unless indicated otherwise, the source for all maps in this article is William Campbell Binkley, *The Expansionist Movement in Texas, 1836–1850*. 
source, were cast for county officers, and it should come as no surprise that Charles A. Hoppin was elected chief justice of the county. Samuel W. Barker was elected clerk of the county. Austin was the overwhelming choice of the voters to be the state capital, and San Elizario, with a Mexican population of 1,200, became the county seat of El Paso County. Just how this happened remains unclear since Neighbors did not provide details, but presumably Hoppin’s influence on the Mexican population was decisive. At any rate, on March 23, 1850, Neighbors reported to Governor Bell that El Paso County was fully organized, and that elected officials were discharging their duties. On May 1, 1850, Governor Bell named notaries public, and Joel L. Ankrim was selected to be district judge of the Eleventh Judicial District, composed of the counties of Presidio, El Paso, Worth, and Santa Fe. On August 20, 1850, Archibald C. Hyde replaced Charles A. Hoppin as chief justice of El Paso County, and about that same time Lucas Doane was named sheriff.

The organization of El Paso County, however, proved to be Neighbors’s only success. He could not organize Presidio County without an escort, because the Indians were so hostile, and United States troops in the region were insufficient for coping with the problem. The organization of Worth County, Neighbors believed, would follow the establishment of county government in the Santa Fe region, but here he encountered strong resistance. Opposition to the organization of Santa Fe County came not only from Colonel John Munroe, who refused to support the Texas cause, but also from President Zachary Taylor, who argued that New Mexico was a United States territory, that it should remain so until its boundaries were determined by some competent authority, and that Texas therefore should not attempt to interfere with the possession of the territory by the United States. Neighbors’s report of his activities on his return to Austin caused such great excitement that the state legislature adopted unanimously a resolution stating that “Texas will maintain the integrity of her territory at all hazards and to the last extremity.” Both Texas and Millard Fillmore, who had succeeded to the presidency on the death of Zachary

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Taylor, threatened to use force, so that unless a settlement could be reached within a very short period of time, armed conflict remained a distinct possibility.\textsuperscript{39}

With the organization of El Paso County in March, 1850, the civil jurisdiction of Texas was extended into the area north of the Rio Grande. Topographically, the county had much more in common with New Mexico than Texas; historically, in the Spanish period it had been administered by the governor of New Mexico, while during the Mexican period it had been a part of the state of Chihuahua; commercially, the old Camino Real had linked Santa Fe, El Paso del Norte, and Chihuahua for more than a century. In June, however, the voters in New Mexico overwhelmingly approved a state constitution that drew a southern boundary north of El Paso del Norte, extending eastward to the 100th meridian, and then north to the Arkansas River. This decision seemed to indicate that New Mexico was relinquishing any claim to El Paso County, but whether Texas would accept the New Mexico line was entirely another matter. As it turned out, the question of the boundary between New Mexico and Texas would at length be determined by the U.S. Senate after deliberations lasting most of the year, with no less than five different proposals offered before one was finally accepted.\textsuperscript{40}

The Senate of the United States in 1850, it will be recalled, had a brilliant array of talent among its membership, constituting one of the most distinguished groups in the history of that body. Older men such as Thomas Hart Benton and Lewis Cass were there, along with Henry Clay, John C. Calhoun, and Daniel Webster, who were all serving their last term; newer members included Stephen A. Douglas, William H. Seward, John Bell, and Jefferson Davis.\textsuperscript{41}

On January 16, 1850, Senator Thomas Hart Benton of Missouri presented a boundary proposal, the only one of five submitted that left the El Paso settlements, at that time not yet a part of Texas, in New Mexico. Benton was primarily interested in reducing Texas's size. "Texas is too large," he argued, "either for her own convenience or for the proper equality and well-being of the other states. . . . She is large enough to make seven states of the first class and ought . . . to be reduced to a reasonable size. The proper time for the reduction was the

\textsuperscript{39} Neighbours, \textit{Robert Simpson Neighbors}, 90–91, 96, 97, 98 (quotation); Binkley, \textit{Expansionist Movement in Texas}, 185, 188, 189.

\textsuperscript{40} Binkley, \textit{Expansionist Movement in Texas}, 190, 208–215.

\textsuperscript{41} Ibid., 208–215.
time of her admission into the union, and I proposed it at that
time. . . . That proposition was overruled. . . . What might have been
done easily then becomes difficult now.”

Benton fixed the western boundary of Texas at the 102nd meridian,
leaving everything to the west as a part of New Mexico. Texas’s nor-
thern boundary was to remain at the Red River. Then he proposed that
when the population of Texas reached 100,000, the state should be
divided at the Colorado River and the 98th meridian, making Texas
into two states instead of one. The territory west of the 102nd meridian
was to be ceded by Texas to the United States, and Texas was to re-
nounce all her claims to the territory east of the Rio Grande. For this,
Texas was to receive $15,000,000. Benton concluded by saying that
he had informed the Texas senators of his proposal, and with that it
was referred to the Committee on the Judiciary.

On the same day that Benton submitted his proposal, Senator Henry
S. Foote of Mississippi submitted one. It called for the creation, with
Texas’s consent, of the state of Jacinto, its western boundary to be
fixed at the Brazos River. The state of Texas, supported in its claim
to the Rio Grande by this proposal, would extend from that river on
the west to the Brazos on the east. The El Paso settlements, therefore,
would become a part of Texas. The remaining territory acquired by
the United States in the Treaty of Guadalupe Hidalgo would be or-
ganized into three territories—California, Deseret, and New Mexico.
Foote then concluded with a bitter attack on Benton for deliberately
attempting to decrease the amount of slave territory by setting Texas’s
western boundary at the 102nd longitude. It was thus clear that the
slavery question had emerged as the paramount issue confronting the
nation.

On January 29, Henry Clay introduced a series of resolutions, one
of which concerned the boundary between Texas and New Mexico.
He proposed to start the line on the Rio Grande just above the El Paso
settlements and then run it in a northeasterly direction to a point where
the Red River intersected the 100th meridian. Texas was to relinquish
any claim that it had to any part of New Mexico, but in return for this
Clay suggested that the United States should pay the debt contracted
by Texas prior to annexation.

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43Ibid., 165-166.
Clay’s proposals brought an immediate reply from Senator Thomas J. Rusk of Texas and resulted in prolonged and heated debate that lasted for more than a month. “I regret extremely,” said the senator from Texas, “that the distinguished Senator from Kentucky . . . should have seen proper, rather unceremoniously as I think, to take one-half of the territory of the State I have the honor in part here to represent, to make a peace-offering to a spirit of encroachment on the constitutional rights of one-half of this Union.” Equally critical of Clay’s proposal was Thomas Hart Benton, who said it would “cut New Mexico in two just below the hips, and give the lower half to Texas, leaving New Mexico to stump it about as she can, without feet or legs.”

Debate on Clay’s proposals continued through February, and on the last day of the month still another boundary proposal was submitted, this one by John Bell of Tennessee. It called for the eventual organization of three states extending westward to the Rio Grande, the northern boundary of each to be fixed at the Red River and the thirty-fourth parallel. The Trinity River was to be the boundary between the first two states, while the Colorado River was to divide the second and third. All territory north of the thirty-fourth parallel would become a part of the Territory of New Mexico, which eventually was to be admitted as a fourth state. The El Paso settlements would be a part of Bell’s third state. The senator expressed the hope that a balance of free and slave states could be maintained, so in his four-state proposal he apparently was assuming that the two eastern states would be slave, while the two western states would be free.

During the next month or so, the Senate listened to the great oratory of Webster, Calhoun, and Seward, but the matter of the Texas boundary remained unresolved. Finally, on April 19, the Senate appointed a committee of thirteen members, with Clay as chairman, to work out a compromise that would adjust all questions involving the slavery issue, including the matter of the Texas boundary. At length, on May 8, the committee brought forth a series of recommendations that came to be known as the compromise bill of 1850. With regard to the boundary question, the committee upheld Clay’s proposal that the line should run in a northeasterly direction from a point twenty miles above El Paso del Norte to a point where the Red River and the 100th meridian intersect. The committee also upheld Clay in his recom-

46Ibid., 247, 1,581.
TEXAS BOUNDARY PROPOSALS
BELL'S PLAN

SCALE
0 50 100 150 200 Miles
mendment that the United States should pay the debt owed by Texas.48

Meanwhile, in the El Paso area, Commissioner Robert S. Neighbors had organized El Paso County and extended the civil jurisdiction of Texas there. The approval of the Benton plan, which placed the El Paso settlements in New Mexico, would have resulted in serious complications. Moreover, Neighbor’s report of the opposition he had received both from the Santa Fe officials and the federal government in his attempt to organize Santa Fe County for Texas brought matters between Texas and the United States to a critical stage in July, making it imperative that the Texas–New Mexico boundary problem be resolved as soon as possible.49

On August 5, Senator James A. Pearce of Maryland offered a motion, which was accepted, calling for the removal from the proposals made by Clay’s Committee of Thirteen everything that related to Texas and New Mexico. He then introduced a bill providing that the boundary should follow the 100th meridian from the Red River northward to latitude 36°30’, west on that parallel to the 103rd meridian, south to the 32nd parallel, and west to the Rio Grande. The Texas Panhandle was being born! Texas, in consideration of her acceptance of this boundary, was to receive $10,000,000.50

Pearce’s bill had a number of commendable features, as William C. Binkley has pointed out: “This boundary was one degree farther west than that proposed by Benton, in order to conciliate the Texans; two degrees farther north than the one suggested by Bell, in order to appease the demands of the slavery interests; far enough east to please the advocates of New Mexican rights; and the sum offered to Texas was almost the exact amount needed to cancel her debt.” The bill passed the Senate on August 9 by a vote of 30 to 20, by the House (with an amendment providing for the organization of New Mexico as a territory) on September 6 by a vote of 108 to 97, and received President Fillmore’s signature on September 9, 1850. Although there was some heated opposition to the bill in Texas, the voters approved it by almost a three-to-one margin. El Paso County was listed in the final tabulation, but no vote was given. The Texas legislature then officially accepted the mandate of the people, and Governor Bell approved this action on November 25, 1850. The El Paso settlements were now of-

48Binkley, Expansionist Movement in Texas, 212, 213.
49Ibid., 214.
50Congressional Globe, 31st Cong., 1st Sess. (1850), 1,520, 1,555, 1,556; Binkley, Expansionist Movement in Texas, 214.
ficially a part of Texas insofar as the federal government was concerned. Some twenty miles to their north, along the thirty-second parallel, ran the boundary line between Texas and New Mexico.

It is not surprising that the final settlement of the Texas–New Mexico boundary question has been the object of some sharp criticism, particularly from New Mexico. For example, Percy M. Baldwin writes as follows:

Of all the various boundary proposals put forward in 1850, this one which was finally adopted drew the most inconvenient and illogical line. It gave Texas a shape as peculiar as a gerrymandered country. Northward, the 'panhandle' projected nearly, but not quite, to the southern boundary of Kansas, leaving room for the 'no man's land' that later became the grotesque elongation of Oklahoma. The triangular extension westward, with El Paso at its furthest limit, belongs to the region of the high plains and is geographically, economically, and historically connected with southern New Mexico, yet the parallel of 32°, for no particular reason, throws this natural area into two political jurisdictions.

To be sure, Baldwin makes some valid points; and it is significant that William Wallace Mills in 1868 submitted a plan to the Texas Constitutional Convention calling for the creation of a Montezuma Territory, comprising El Paso and Doña Ana counties. Although the plan apparently had some support in El Paso, it was rejected by the convention. Another effort to detach El Paso County from Texas came in 1899 with a short-lived movement to create a separate state of "West Texas," or "Sacramento." It was voted down, however, and there was at all times strong opposition toward involving New Mexico in the project.

With the settlement of the Texas–New Mexico problem in 1850, there yet remained another boundary to be surveyed and determined—the one between the United States and Mexico. Article V of the Treaty of Guadalupe Hidalgo had delineated the new boundary between the United States and Mexico and provided that a joint survey commission of officials from both nations should draw the international line. Heading the American party was the scholarly John

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51Binkley, Expansionist Movement in Texas, 215; State Gazette (Austin), Nov. 16, Dec. 14, 1850.
Russell Bartlett, who arrived in the El Paso area on November 13, 1850; his Mexican counterpart was General Pedro García Conde, who arrived in early December. Bartlett stayed at the home of James Magoffin, and subsequently met Major Van Horne, Charles A. Hoppin, T. F. White, Padre Ramón Ortiz, Colonel Emilio Langberg, and the bishop of Durango, who told Bartlett that several Bartolomé Esteban Murillo paintings in the Guadalupe mission had been plundered by Alexander W. Doniphan’s soldiers during the recent war.  

The resulting Bartlett–García Conde negotiations and the subsequent diplomatic developments culminating in the Gadsden Purchase Treaty of 1853 have been the subject of a voluminous literature, and no attempt will be made here to present details. Bartlett and García Conde soon discovered through astronomical observations two errors in the Disturnell map used by the Guadalupe Hidalgo treaty negotiators. As drawn on the treaty map, the southern boundary of New Mexico was to begin on the Rio Grande eight miles north of El Paso del Norte and run westward three degrees of longitude, or 175.28 miles, before turning north to strike the Gila River. But the map showed El Paso del Norte at $32^\circ 15'$ north latitude, whereas the true position was $31^\circ 45'$. Moreover, the map placed the Rio Grande at $104^\circ 39'$ west longitude, whereas the true position was $106^\circ 29'$. The latitude error placed El Paso del Norte thirty-four miles too far north, while the longitude error put the Rio Grande more than a hundred miles too far east. There was much at stake, as the area in question involved the status of the Santa Rita copper mines, a transcontinental railroad route, and the Mexican settlement of Mesilla and the fertile valley nearby.

Mesilla had been founded in 1850 by Rafael Ruelas across the river from Doña Ana and was settled primarily by Mexicans of New Mexico who were fearful of losing their lands to the Americans. Padre Ramón Ortiz of El Paso del Norte, serving as commissioner of colonias, issued


THE BOUNDARY DISPUTE
AND THE
GADSDEN PURCHASE
1848-1853
land grants to the settlers, so that Mesilla came to have a population of about 2,000 by 1853. Yet when Bartlett visited the town in 1851 it was in his mind largely a matter of mud-and-stick houses, and he had serious doubts that the population would accept American jurisdiction.56

The result of the negotiations between Bartlett and García Conde was a compromise, in which Bartlett "traded Condé latitude for longitude." The agreement, reached on Christmas Day, 1850, fixed the boundary, known as the Bartlett–García Conde line, on the Rio Grande at 32°22' north latitude, or forty-two miles north of El Paso del Norte. The line was then to extend westward three degrees, or 175.28 miles, from the river's true longitude. Bartlett was pleased with the arrangement, and defended the compromise by stating that American jurisdiction over the copper mines had been confirmed, while at the same time nothing of importance south of the line had been yielded.57

The Bartlett–García Conde compromise encountered strong opposition from the first. Members of Bartlett's own survey team criticized him for not obtaining the fertile Mesilla valley and for bargaining away a prime railroad route. Secretary of the Interior A. H. H. Stuart ordered Andrew B. Gray, the commission's surveyor, to sign the arrangement and then removed him from office before he could refuse. Expansionist Democrats in Washington and elsewhere were in no mood for a compromise solution, a position that caused the Whig administration of Millard Fillmore no little distress. The commission's surveying activities were drastically reduced, whereupon Bartlett, the "adventure-loving bookman," set out on a year-long peregrination that took him to Mazatlán, San Diego, and California before he returned overland to the El Paso area in August, 1852.58

In the meantime, William H. Emory, an experienced surveyor and an expert on the American Southwest, had arrived in the El Paso area, but in spite of his desperate attempt to keep the commission alive, expansionist Democrats in Congress scuttled the commission's appropriation and repudiated the Bartlett–García Conde compromise.

Bartlett, whose leadership throughout had been ineffective, then retired to Providence, Rhode Island, to write what has become one of the great classics on the American Southwest, his *Personal Narrative*, for which historians of the area will be forever grateful.\(^{59}\)

The repudiation of the Bartlett–Garcia Conde line left in limbo a tract of territory situated between the Disturnell treaty line at 31°45' north latitude and the compromise line at 32°22'—an area some 6,000 square miles in extent that included the fertile Mesilla valley. The region became the object of a bitter dispute between New Mexico and Chihuahua in 1853, with both sides threatening the use of military force. Soon after the repudiation of the compromise line, Governor William Carr Lane of New Mexico issued a proclamation in March, 1853, claiming authority over the disputed tract. As a result, Governor Angel Trias of Chihuahua, who had fought the American invaders of his state during the Mexican War, ordered soldiers into the Mesilla valley. Governor Lane then threatened to send troops into the disputed area, but was effectively restrained when Colonel Edwin V. Sumner, commander at Fort Fillmore, refused to cooperate.\(^{60}\)

James Magoffin, in a letter of April 24, 1853, to Bartlett, summarized the situation in the area as follows:

Governor Carr Lane of New Mexico paid us a visit a few weeks since and issued a proclamation to the authorities of El Paso del Norte that he intended to take possession of Mesilla, which created great excitement throughout the territory and in fact as far as the City of Mexico. General Trillas [sic] arrived here today with 750 soldiers in order to defend the soil, but the Governor had returned home, not being supported by the citizens and getting no military aid, and so this matter rests. General Trillas will no doubt make his headquarters at El Paso del Norte for some time.\(^{61}\)

Since it was clear that relations between the United States and Mexico were nearing the breaking point, the Franklin Pierce administration, in an attempt to resolve differences through negotiation, replaced Governor Lane with David W. Meriwether and instructed him to "abstain from taking forcible possession of the tract. . . ."\(^{62}\)

In May, 1853, President Pierce appointed as minister to Mexico James Gadsden, a South Carolina railroad executive and champion of

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\(^{60}\) Utley, *The International Boundary*, 16; Rippy, *The United States and Mexico*, 115.

\(^{61}\) Magoffin to Bartlett, Apr. 24, 1853, Bartlett Papers.

\(^{62}\) Quoted in Rippy, *The United States and Mexico*, 119.
a southern transcontinental route to the Pacific. In Mexico Gadsden found the dictatorial regime of Antonio López de Santa Anna on the verge of bankruptcy and, as was its custom, in need of money to stave off collapse. On December 30, 1853, Santa Anna agreed to a "Treaty of Boundary and Cession of Territory," usually called the Gadsden Purchase treaty. For a purchase price of $15,000,000, the United States would acquire 29,670 square miles of territory south of the Gila River, including the railroad route and the Mesilla valley. After several months of bitter debate both in the Senate and the House of Representatives, resulting in the reduction of the acquired territory by 9,000 square miles and the purchase price to $10,000,000, the treaty was ratified by the Senate on April 25, 1854, and proclaimed on June 30.63

Meanwhile, important developments had been taking place at the Pass of the North. From the time of the removal of troops from Coons's Ranch in September, 1851, the settlers had continued to complain about their losses from Indian depredations and to urge the reestablishment of a military post in the El Paso area. Joel L. Ankrim, district judge, listed the losses suffered during the past two years in a letter to the military authorities, and concluded by saying that there had been twenty-three attacks from Indians, resulting in the loss of lives and property, disruption of business, and a general feeling of insecurity. A copy of Ankrim's letter was enclosed in a report submitted by Colonel Joseph K. F. Mansfield, who was making an inspection of western military posts and who had recommended that a post be established opposite the town of El Paso del Norte, either at Magoffinsville or at Smith's Ranch, the first being the preferable location. As a result, a post was established at Magoffinsville in January, 1854, four companies of the Eighth Infantry under the command of Major Edmund B. Alexander being quartered in buildings owned by James Magoffin. In March the name of the post was officially designated Fort Bliss, in honor of Major William W. S. Bliss, chief of staff for Zachary Taylor during the Mexican War and later his son-in-law.64

Governor Angel Trias had remained in El Paso del Norte with his forces since his arrival there in April, 1853, as tension over the Mesilla

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problem mounted. But with the ratification of the Gadsden Purchase treaty by the United States, Santa Anna's government ordered Governor Trías to relinquish the disputed area to the United States. At length, when this information reached Governor David Meriwether of New Mexico, he decided that he and General John Garland, commander of the Ninth Military District of New Mexico, should meet with Governor Trías and make arrangements for the formal transfer of the Mesilla territory. Such a meeting took place at Fort Bliss, probably sometime in October, 1854. Governor Meriwether writes about it as follows:

The next morning we [Meriwether and Garland] visited Fort Bliss, and I had an interview with his excellency, Governor Trías of Chihuahua. Having exhibited the documents which I had with me, he at once consented to deliver possession of the disputed territory to us. It was agreed that our force[s] should cross the river above the falls at twelve o'clock the next day, and, on seeing the American flag approaching, he would pull down the Mexican flag and march his troops out of the fort, leaving the gates open for our entrance.

Many conjectures were indulged in by the younger officers present, one opinion being that this was a ruse on the part of the Governor of Chihuahua to get us under the guns of the fort, when fire would be opened upon us. But I indulged in no such fears, as, from the frank and manly manner of the Governor, I had no fears of the result. On reaching within a few hundred yards of the fort, I saw the Mexican flag come down, the Mexican troops march out, and our troops march in. Then the American flag was at once hoisted to the flagstaff so recently occupied by the Mexican flag. Our flag was saluted with two pieces of artillery which we had taken across the river with us. The band played "Hail, Columbia," "Yankee Doodle," and several other national airs, at the close of which I arose to make a speech to the large crowd of Mexicans who had gathered to witness the transfer. I told the Mexicans, through an interpreter, that by peaceful negotiations the disputed territory had been transferred to the United States; that I hoped they would prove themselves loyal and law-abiding citizens, but if they did not, I would feel it my duty at all hazards to see that the laws were executed; that any citizen who preferred the Mexican to the American government was at liberty to sell his possessions and move to the Mexican side of the line. But I hoped they would give the American government an opportunity of showing its advantages before doing so. I then caused a large number of proclamations which had been printed in the Spanish language . . . and which [were] of the same import as my speech, to be distributed among those present. The Mexicans appeared to be satisfied with what I had said to them and applauded lustily, many coming to be introduced to me, and to whom I gave a cordial shake of the hand.65

65Robert A. Griffen (ed.), My Life in the Mountains and on the Plains: The Newly
This ceremony took place across the river from Simeon Hart's mill and a short distance to the north. It was followed by another formal ceremony which was held in the plaza of Mesilla on November 16, 1854. Apparently the Mexican residents of Mesilla were now more willing to accept American jurisdiction than before. Their benefactor, Padre Ramón Ortiz, had been replaced in 1853, and Consul Diffenderffer reported that El Paso del Norte authorities had been seizing Mesilla's municipal funds and redividing the land, much to the displeasure of the settlers.66

By the end of 1854 the foundations of American El Paso had been laid, and for more than a century and a quarter it has been a community described as American, western, Texan, border, military, and bilingual and bicultural. Such is its unique personality, shaped by the historical developments which took place at the Pass of the North in its formative years, 1848–1854.

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