# KEY EXPANSIONIST JOURNEY

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The purchase by the United States Government from the Republic of Mexico of territory south of Arizona's Gila River, and a narrow strip along the southern most part of present day New Mexico, cannot be viewed as merely an isolated eqisode in the development of American history. This agreement stands out rather as the culmination of a program begun in the 1840s of aggressive expansionist nationalism to which the Democratic Party had aligned itself under James K. Polk. It is during this particular phase of development that the phrase "manifest destiny" has been first used. The Gadsden Purchase of 1853 does indeed represent the final step in the widespread belief that the United States was preordained to expand throughout the entire continent, or one could say the Gadsden Purchase was a direct result of the national psychology of the United States prior to the Civil War. Its significance in the territorial development of the United States is of such a magnitude that an appropriate survey of the events leading up to the purchase is necessary to properly enhance its merit. "Manifest destiny" was in reality the antebellum desire for what

came to be known as manifest opportunity, and the Gadsden Agreement exemplified the wish for such aggressive opportunity.[1]

The political, cultural, and economic questions which the Gadsden Treaty attempted to settle may be traced back to the diplomatic controversies which developed from the 1848 Treaty of Guadalupe Hidalgo made upon the termination of conflict in the Mexican War. The Mexican War seemed to best exemplify the initiation of an aggressive foreign policy toward the unstable government of Mexico.

Upon entering the office of President, James K. Polk of Tennessee witnessed the termination of relations with the United States by Mexico in protest to the annexation of Texas. As soon as the new state of Texas formally accepted the joint resolution of annexation, General Zachary Taylor, with a detachment of troops was ordered by Polk to take a defensive position on the Nueces River on the southwestern border of Texas. From the Mexican point of view, as soon as Taylor's men crossed the border into Mexico they were in a sense "invading" Mexico, but there was little that they could do. This military security was also to prompt the laying of various claims against the government of Mexico. As early as 1841, a mixed commission had awarded to the United States 1.5 million dollars plus about three million more that had accumulated. In 1843, both countries ratified a convention by which the government of Mexico was to pay the United States the accrued debt with interest in twenty quarterly installments. Mexico was forced to suspend the payment after paying only

three, but they did at no time repudiate the debt. At that time Mexico and its government were torn by means of civil conflict which made it virtually bankrupt. President Polk knew that Mexico could ill afford to keep up the timetable of debt alleviation as prescribed by the aforesaid convention.[2]

On the tenth day of November, 1845, President Polk commissioned John Slidell as minister plenipotentiary to Mexico. Slidell carried with him instructions that the United States would be more than willing to assume the unpaid portion of the claims against Mexico in exchange for the formal recognition on the part of the Mexican government that the Rio Grande should be the natural boundary between the two nations.[3] As has been stated, diplomatic relations had been broken between the two nations in March, 1845. The reason behind the commissioning of Slidell was an attempt by the Polk administration to re-establish relations and settle the delinquent issues. The Mexican government, perhaps feeling somewhat remorseful for their conduct, decided to allow a commission to discuss the boundary differences. From the Mexican point of view, Slidell was by definition a full fledged minister of the American government which was contrary to what they had asked for and agreed to. In addition, Slidell was authorized by Polk not only to discuss the boundary but also to extend to the Mexicans the offer of five million dollars for New Mexico, and with money being no object, twenty five million dollars for California. The Mexican government failed to realize that President Polk was a practical man who simply wished to negotiate a business deal. The Latin mind construed

this minister to be not the agent for a mere financial transaction but rather a henchman emphasizing the power of the United States government in making demands of Mexico. Thus, the Mexican government refused to accept Slidell to negotiate differences and he became personna non grata. At this juncture Mexico again fell victim to revolution and the government was seized by General Juan Paredas, an aggressive opponent to the "Yankee demands", and he further informed Slidell that Mexican cavalry would expel any intruders into Mexican soil.[4] The door was now shut to peaceful readjustment with the rejection of Slidell.

The intention of this analysis is to deal with the diplomatic aspects of the Mexican "problem" rather than the military. The actual declaration of war was declared on May 11, 1846, and the war itself lasted for almost two years, with the troops of the United States encountering much more difficulty with those of Mexico than was generally expected. As the war was being concluded with General Winfield Scott driving toward the capital of Mexico City, one of the most bizarre incidents in the annals of history occurred. President Polk decided to send along an agent with General Scott who was empowered to negotiate a peace whenever the military moment seemed most favorable. He initially wanted to send the Secretary of State James Buchanan, but Polk was forced to reconsider since it might well have been months before the Mexican government would agree to negotiate and Buchanan could not be spared for such an indefinite period. Polk finally appointed the Chief Clerk of the State Department, Nicholas Trist. The appointment

was made for three important reasons: first, he was a man of modest reputation and achievements; second, he would infuriate none of the leaders of the Democratic Party; and third, if negotiations did not go well, he could be recalled. This latter factor would not have been plausible with a more prominent man.[5] Trist carried with him the instructions under which he was to negotiate a peace. His minimum goals were to obtain the Rio Grande as the boundary as the dividing line between the two nations, to acquire both New Mexico and Upper California, and to secure the right of transit over the Isthmus of Tehuantepec which was one of the proposed interoceanic canal routes under consideration.[6]

As Brigadier General John A. Quitman marched into the plaza in Mexico City with his victorious marines, the government of Santa Anna was forced to abdicate from power, and it was months before Trist could find any government of Mexico which was willing to negotiate.[7] Polk was meanwhile becoming increasingly annoyed with the manner in which Trist was attempting to negotiate a peace. As early as October, 1847, word was passed down from the State Department that Trist was to be recalled. But Trist had, by this time, begun negotiations with the moderate Mexican government which had recently come to power. This government's stability was still very much in question but at the same time was the only one with which a reasonably favorable peace could be achieved. These moderate Mexican leaders urged Trist to continue the negotiations even after he had received verification of his having been relieved from ministerial duty. It was at this point that Trist

had a most difficult decision to make. If he continued the negotiations and secured an agreement unsatisfactory to the President, Polk's wrath would surely be forthcoming. But in a truly remarkable sixty-five page letter to the chief executive, he stated that he was staying on to negotiate and why he was doing so. After considerable negotiations, the Treaty of Guadalupe Hidalgo, named for the location where the document was signed, was agreed upon on February 2, 1848. [8]

By the Treaty of Guadalupe Hidalgo, Mexico was forced to relinquish its claim and cede to the United States all lands westward from the Upper Rio Grande River (the Mexicans referred to this river as the Rio Bravo) to the Pacific Coast, and northward from the Gila River in Arizona to the Oregon country. Included in this geographical sector were the present day states of California, Nevada, Utah, the southwestern corner of Wyoming, the western slope of Colorado, the western part of New Mexico, and Arizona north of the Gila River. To compensate the Mexicans for their loss of this territory, the United States agreed to pay the Mexican government the sum of fifteen million dollars as well as assume the claims of various American citizens against the Mexican government totaling some $3,200,000. In all, the United States assumed control over 529,017 square miles of new territory.[9]

Polk was very much annoyed with both the conduct of Trist and the negotiation of the treaty. But he saw two vastly significant reasons for submitting the treaty to the Senate for ratification without changes. First, Trist had, in spite of his

unauthorized negotiation, virtually fulfilled the demands as set out by Polk himself. Second, the possibility of securing another treaty from the Mexican government in lieu of the growing diversification of Senate opinion urged its being submitted. Therefore Polk had no real alternative but to submit the treaty to the Senate. He did note in his message to Congress, however, that the treaty should be approved in spite of the "exceptional conduct of Mr. Trist". The country was definitely in favor of peace and further negotiations might well prove fruitless. So, on March 10,1848, the Senate placed its stamp of approval upon the treaty by a vote of 38 to 14. A humorous note was derived from the diary of an ardent Whig, Phillip Hone. He complained that this was a peace "negotiated by an unauthorized agent, with an unacknowledged government, submitted by an accidental President, to a dissatisfied Senate, has, notwithstanding these objections in form, been confirmed..."! [10]

Before discussing the failures of the provisions of the Treaty of Guadalupe Hidalgo to alleviate the problems that had long irritated relations between the United States and Mexico, the two attitudes of opinion toward both the war with Mexico and manifest destiny should be analyzed. The popular belief was that the Mexican War was a war originated in the South for the exclusive benefit of Southerners. Not content with the Texas domain, which could ultimately be turned into five slave states, they pushed the country into war with Mexico to gain still more territory for the expansion of slavery as well as secure more votes in

Congress to insure its continuation. But analysis of the letters of prominent Southerners of the day seem to display just the opposite. John C. Calhoun and South Carolina newspapers both asserted that the war should end as soon as the claims were settled and the Mexican army driven south of the Rio Grande. Robert Toombs of Georgia suggested that the victories of the American army in Mexico would create unrealistic demands upon the Mexican government which would be ruinous to her as well as disgraceful to the United States. He stated that he could "see nothing but evil come of it". James Gadsden of Charleston, South Carolina wrote to Calhoun on January 23, 1848 that the greatest object of the American government should be to put an immediate halt to the mad designs of conquest arising amoung the citizenry. He went on to say that the desires of the Polk administration had been continually echoed "and the hungry land hounds had picked up the scent". Gadsden still hoped, however, that the various Whigs and sober minded men in the Democratic Party would be united to defeat the irrational designs of wholesale annexation of territories.[11]

One of the most ardent expansionist propagandists in the Polk administration was the Secretary of the Treasury, Robert J. Walker of Mississippi. But the chief reason for his attitude was not derived from the slavery expansion theory but from the necessity to meet the demands of an administration tied to the demands of a vast majority of the citizens. As an individual, he was not an ardent proslavery man, and he even gradually emancipated his own slaves and proposed that Texas be admitted

with a gradual emancipation provision. It is ironic to note that even such men as Walker realized that the Southern Whigs and Democrats were opposing the war and its treaty in order to sustain what they already had, not to expand an institution which they assumed secure. [12]

The other side of the coin painted an equally surprising picture. On December 20, 1847, John C. Calhoun announced that it seemed without exception that the newspapers of the North anticipated the annexation of Mexico in its entirity. At the New York State Convention in January, 1848, a resolution was passed implicitly advocating complete annexation of Mexico, and this same resolution was voiced by a Democratic mass-meeting at Tammany Hall. Both Secretary of State James Buchanan and Vice President George Dallas more or less expressed opinions favorable to the annexation of Mexico to President Polk. It was suggested that the reason for the summary withdrawal of Trist's powers in negotiation were aimed at securing more from Mexico than was originally intended. Even the President's message to Congress spoke not only of securing more that just Upper California and New Mexico. He suggested the possible necessity of indefinite military occupation of Mexico which, by means of the logic of events, might well be transformed into actual annexation. Senators Edward A. Hannagen and John Dickinson introduced resolutions in the Senate favorable to annexation, and according to Senator John M. Niles, most Northern Democrats were leaning toward annexation and their speeches and resolutions reflected this fact. [13]

The sentiment of annexation maintained a constant growth in intensity as it was continually being nurtured by various means of propaganda, the nationalistic tendencies of war, the thrill of martial victories calling for consummation, and the pure temptation which was derived from the opportunity which presented itself in Mexico's helplessness. At a banquet attended by many of the high government officials, including the Vice President of the United States, Senator Dickinson went so far as to toast: "a more perfect Union; embracing the entire North American continent". Those who attended a supper in honor of Colonel John T. Morgan drank to the immediate annexation of Mexico, the Isthmus of Panama as a haven for trade and cargo passage, and ultimate continental domination. At an address given in Tammany Hall, Senator Sam Houston of Texas called upon all Americans to make a mighty march over the entire continent which they were to regard as their "birthright".[14]

Though poorly organized in its initial stages, the mode of thought for the annexation of all of Mexico was beginning to assume strength when the Trist Treaty arrived in Washington. As much as Polk would have enjoyed the annexation of Mexico in its entirity, he knew that such a measure would mean much more military conflict, and he could not be sure of the military and political implications or results. As has been stated, a reason why Polk was willing to accept the treaty was due to the fact that he wished to pull a tight rein on the extremists. Calhoun, who had voiced his serious reservations concerning the war and treaty, led the opposition to the

extremists of expansion. The Southerners in Calhoun's fold perceived that the arid Mexican territory could not readily be considered favorable to the maintenance of slavery as well as the fact that such a rash measure might well provoke abolitionists such as William Lloyd Garrison. The hurried passage of the Treaty of Guadalupe Hidalgo, thirth-six days after it was negotiated, stemmed the all-Mexician boom. The discredited Trist, though he directly violated his instructions, probably evaded the possibility of prolonged guerilla warfare in Mexico as well as administrative problems in the more densely populated areas in Mexico, should actual annexation ever be realized. [15]

The acquisition of this vast domain of territory from Mexico created other perplexing problems, but the Whig administrations of Presidents Zachary Taylor and Millard Fillmore were centered upon domestic issues primarily stemming from slavery. Numerous changes occurred in the Department of State, and foreign affairs were directed by John M. Clayton, Daniel Webster and Edward Everett respectively. These frequent changes coupled with the fact that foreign matters took a back seat to politics may well account for the mediocre diplomacy of the period. [16]

Moreover, the diplomats sent to Mexico were, at best, mediocre. Ex-Governor R. P. Letcher of Kentucky was sent in August, 1849. He was succeeded by Alfred Conkling, the Federal Judge for the Northern District of New York, and his diplomacy added very little to the respectibility of the United States in Mexico. On the contrary, Mexico sent to the United States the

cream of her diplomatic crop. Don Luis de la Rosa, one of Mexico's most distinguished statesmen, was the first minister sent after the war. He was followed by Manuel Larrainzar, who remained but a short time. Juan Almonte, who had previously served as the Mexican minister to the United States prior to the war, replaced Larrainzar in 1853. His appointment was hailed as a further token of peace and understanding between the two countries. [17]

It should be noted, however, that the pacification of relations between the United States and Mexico was not realized. The raids of various filibusters and hatred for the Unites States continued. The attitude of American businessmen in Mexico seemed to verify the Mexican suspicion that American motives in Mexico were certainly not what they should be, and they outwardly feared economic exploitation as well as territorial aggression. The payment of the debt under the auspices of the Treaty of Guadalupe Hidalgo had a most demoralizing effect upon the government of Mexico. This could be directly derived from the fact that reckless spending went on within the circles of the Mexican government and it was generally felt that money could always be easily obtained from the government of the United States by means of the simple sale of further Mexican land claims. [18]

In the five years of transition between the passage of the Treaty of Guadalupe Hidalgo and the negotiation of the Gadsden Purchase, there seemed to be an outward reconciliation between the nation of Mexico and the United States. But at the same time, there were very definite diplomatic issues which grew out of the

interpretation of the 1848 treaty. There was a controversy over the boundary line between the two countries; the proposed railroad route; and the control of Indians in the areas ceded to the United States from Mexico. There was the question of interoceanic communication by way of the Isthmus of Tehuantepec, an issue which had been avoided in the 1848 treaty but was an issue for the five years following it. These issues proved to be the antecedents of the Gadsden Treaty of 1853. [19]

Thus, the American frame of mind had been established in the 1840s for the Gadsden Purchase. The expansionism of the period encountered a brief pause, but it was soon to reappear in 1853. The war with Mexico and the Treaty of Guadalupe Hidalgo set the stage for the efforts of James Gadsden of South Carolina, a man who had served his country for over a quarter of a century but of whom the citizenry knew very little about.

James Gadsden was born May 15, 1788 in Charleston, South Carolina. He was educated at Yale and, upon graduation in 1806, returned to his home to enter commercial business. He soon became disenchanted with the world of economics and decided to enter the United States army. During the War of 1812, he served as a lieutenant of engineers and upon its close, he was stationed with General Andrew Jackson as an aid in the inspection of the military defenses of the old Southwest and the Gulf Coast. During the wars with the Seminole Indians, he was able to sieze the correspondence of British agents Alexander Arbuthnot and Robert C. Armbrister which led to their ultimate military trial and execution in 1818. He was promoted to the rank of captain continuing to construct Gulf defenses along the frontier. Perhaps as a result of the intimate friendship which developed between Gadsden and Jackson, he was promoted to the rank of colonel in 1820 and to the rank of adjutant-general in 1821. His latter appointment was refused by Congress, however, so he resigned

from the army and returned to Florida. [1]

In 1823, upon the assumption of office by James Monroe, Gadsden entered politics himself. He was appointed commissioner to secure the removal of the Seminole tribes onto reservations from the southern portion of Florida. In 1824, he became a member of the Florida territorial legislature. He sold his possessions in Tennessee to become a Florida planter, but this life soon caused him to become restless. He suffered the loss of his friendship with Jackson when he championed the doctrine of nullification in 1828, and as a result, was defeated in successive bids to represent the territory in Congress. So in 1839, Gadsden moved back to Charleston, South Carolina.[2]

After a year in Charleston, Gadsden became the president of the Louisville, Cincinnati & Charleston Railroad, a concern which he had been very much interested in for over a decade. He reincorporated the railroad in 1842 after it had been hard hit by the Panic of 1837, and he had dreams of ultimately knitting the various small railroads in the South into a strong, solid line which could compete with the North for the carriage of trade toward the West. Between 1845 and 1850, he worked continually to draw the smaller lines together in order to link the South with one continuous railroad to the Mississippi, but he was not able to accomplish this feat. In 1850, the various stockholders of the L. C. & C. were demanding that the railroad extend to them immediate dividends upon their investments. From this demand, Gadsden was forced to resign from the railroad's presidency but

his zealous interest in a transcontinental railroad, particularly one which would incorporate a southern route, continued.[3]

In 1853 on the fourth day of March, the new Democratic administration of Franklin Pierce took the helm of the United States government. Pierce had carried every state in the Union with the exception of four but his plurality was not as great as the vote in the electoral college indicated. While working on the problems of drawing up an appropriate inaugural address and choosing his cabinet, Pierce had a most disastrous experience. He was the victim of a railroad accident in which he saw his small son killed before his eyes. This greatly affected the initial portion of his administration.[4]

The first appointment which Pierce made was in the office of Secretary of State. William Learned Marcy was sixty-six years old and a veteran of foreign service. He had been governor, judge, senator, and secretary of war under James K. Polk. He was a tall, heavy, and square-shouldered man, though his wrinkled face and heavy brows gave the appearance of him being a man of intense ferocity. He described himself as a dedicated politician, changing from one political job to another. His shrewdness was combined with a sense of humor and a philosophical calm which made him a very unsatisfactory enemy should the case arise. He was master of the English language and had the command of a very fluid writing style which particularly suited him to the task of writing official state papers. The vast majority of his foreign experience came from the confines of his experiences

in New York which he described as "a limited but instructive preparatory school".[5]

The second significant appointment to be made in lieu of the eminent Gadsden Treaty was that of the Secretary of War. At the time of his appointment, Jefferson Davis of Mississippi was forty-four years old. He had been graduated from West Point and from there became a planter and a senator. Most of his life had been in positions of power and command, giving him considerable experience in the realm of decision making. He was not gifted with a great sense of humor preferring to run his life and positions he held on the basis of the strictest order and precision. His ideas of administration were well suited for the war department, and his military experience and past service, such as in the Mexican War, were of considerable assistance. His continually failing health gave him a sense of natural reserve which passed for an attitude of haughtiness in Washington. Few knew that it was but a deep sense of will power which gave him the determination to overcome the neuralgia which so frequently tortured him. His thin, precise and firm manner gave him the appearance of a New England deacon much more than that of the so-called "fire-eater" which he was proported to be. It was true that the death of the aged John C. Calhoun had thrust upon Davis the unwritten title of leader of the Southern political forces. Pierce realized the political power and prestige which Davis possessed, and his friendship with Davis allowed a sense of coalition to attempt to soothe the ill feeling still in the air

resulting from the Compromise of 1850 and the admission of California into statehood. It is doubtful that any other member of the cabinet possessed the political following which Davis did, but his overall influence upon the policies of the Pierce administration is still dependent upon the historian consulted.[7]

As in other diplomatic appointments, the influence of Jefferson Davis over President Pierce was quite evident in the selection of James Gadsden as official Minister to Mexico. It was Davis who informed Gadsden of the appointment long before the official letter of enstatement was issued to him by the Secretary of State, William L. Marcy. It was conceded that Gadsden had carried an acute interest for Mexico since the the advent of the Mexican War. This interest developed beyond the mere desire for the acquisition of territory necessary for the construction of a transcontinental railroad along a Southern route. During the war with Mexico, Gadsden, like most of his Southern contemporaries, was opposed to any large acquisitions of territory from Mexico by the United States. Gadsden, in fact, desired only a natural boundary between the two countries. When he was sent to Mexico as minister, this view had not changed. By 1853, Gadsden had decided that a transcontinental route for the railroad was best suited for the Gila River and that the project could be made possible only by means of the acquisition of land from Mexico. But it should be pointed out that the primary objective of Gadsden when he went to Mexico was to secure a natural boundary between the Anglo-Saxon and the Spanish races

and no other. Though the influence of Davis was indeed substantial, this boundary was the basis for any negotiations he was to make.[8]

Gadsden eagerly accepted the appointment arranged for him, and he at once began to gather pertinent material for his mission to Mexico. He inquired as to the latest statistics on Mexican trade, both with the United States and other nations, for he rightly thought that better commercial relations between the two nations would better facilitate a compromising attitude thereby accomplishing much more through diplomacy. He did realize that the solution to a boundary dispute between the two countries would greatly assist his pet project, the southern route for the impending railroad. In addition, Gadsden urged Secretary Marcy to send A. B. Gray of the original boundary commission as his agent to the disputed territory in order that he might be given an accurate estimate as to the region in dispute. This, he asserted, would be very necessary in order to preclude any revision of the actual boundary. Gray had assured Gadsden that he would be most willing to accept the position and that the cost would be no more to the State Department than a few thousand dollars. Gadsden reflected Gray's argument that with the aforesaid funds he could investigate the region of the Rio Grande and Gila Rivers to the Gulf of California. He could ascertain the most advantageous route for the United States and then report to Gadsden after the latter arrived in Mexico City for the negotiations.[9]

It became quite evident that the President needed all the

glory he could obtain from the State department in order that he might keep his administration from sinking into contempt. Undoubtedly the most popular man in the United States when he made his inaugural address, he was, by the time he sent his first message to Congress, considered to be by those members as somewhat incompetant for the position he held. Many congressmen felt that the distribution of the Cabinet among the political sectors of the country did little but subvert the best interests of the country. There was particular alarm at the appointment of Gadsden by some Northern railroad minded congressman since one result of the impending negotiations with Mexico would be the addition of a territorial appendage by which a southern route for the transcontinental railroad could be realized.[10]

Gadsden soon realized, upon his appointment, that his task in Mexico would be no easy matter. He not only had the opposition of some members of Congress, but also the embittered attitude of Mexico to contend with. The failures of the Treaty of Guadalupe Hidalgo had been thrust upon him, and he knew that only compromise might alleviate them. He wanted a strong hand with which to deal with the Mexican government, and to do so he must acquaint himself with the 1848 holdovers and resign himself to their dismissal under a new agreement between the United States and Mexico.

Article V of the Treaty of Guadalupe Hidalgo provided for a definite boundary line to be set between the United States and Mexico. According to the article, the Gulf of Mexico was to mark the southeasternmost boundary, a distance of three leagues from the Rio Grande and run westward along the center of the river until it met the town of Paso (present day El Paso, Texas). From there it would assume the boundary as being the eastern point of the Gila River in New Mexico and continue running westward.[1] In order that all vagueness might be eliminated from the boundary issue and in order that a series of official landmarks might be constructed which "would show the limits of the two republics", each government agreed to abide by a joint commission which was to meet in San Diego to begin the determination of the physical boundary of the nations.[2]

In accordance with the 1848 treaty, both commissioners and surveyors were appointed by both governments. On December 18,1848, President Polk nominated ex-Senator A. H. Sevier of Arkansas and

Lieutenant A. B. Gray of Texas as commissioner and surveyor, respectively. The nomination of Gray was confirmed by the Senate, but Sevier fell ill and died, prior to the Senate's acting upon his nomination. Colonel John B. Weller of Ohio was nominated in his place and confirmed by the Senate on January 16, 1849. Major William B. Emory was appointed astronomer, and John C. Cremony was named as official interpreter.[3]

It was not until July, 1849 that the commission met at San Diego. The Mexican government had dispatched Pedro Garcia Conde and Jose Salazar y Larregui as their representatives. After the issue of the Pacific demarcation was settled, the commission agreed to meet in El Paso in November, 1850 in order that they might compare their notes. But in the meantime, the Whig administration of President Zachary Taylor had assumed power in Washington. Colonel Weller was removed from his position in favor of John C. Fremont of California. But since Fremont chose to run for the United States Senate from California upon its admission into the Union, John R. Bartlett of Rhode Island was appointed to the office of commissioner, under whom the actual survey was realized.[4]

The Bartlett-Conde' Agreement was ultimately concluded on Christman Day, 1850. Bartlett had compromised with the Mexican commission in not demanding the original rights to the south assumed by the United States under the Treaty of Guadalupe Hidalgo. In Congress, the appointment of Bartlett and Gray had been stipulated with the provision that they must both sign the

commission's report before it could be submitted to the Senate for approval. When Gray arrived in El Paso, he asserted that the original intent of the 1848 treaty should be upheld and refused to sign the agreement. The administration of President Fillmore, who had succeeded Taylor upon the latter's death, agreed with the Bartlett interpretation and removed Gray from office. Colonel W. H. Emory was appointed in his place and ordered to sign the agreement. He did, but with the provision that this agreement was between two commissioners and nothing more. He attested his attitude to the fact that he wanted the United States to have as much latitude as possible in the settlement of the boundary. Finally in 1852, the Congress appropriated $80,000 for the survey, but with the provision that none was to be dispersed until the southern boundary was established under the auspices of the Treaty of Guadalupe Hidalgo.[5]

The Bartlett-Conde' Compromise had two significant after effects which concerned the United States. It transferred 5,950 square miles of territory to the Mexican government which had previously been asserted to be American soil. This restricted the movement of American settlers into territory which was regarded as that of the recently established Territory of New Mexico. The compromise also recognized the loss of the only natural and possible route for a proposed railroad through the mountains of the Far West to the California Coast. Both Gray and Emory chastised Bartlett for relinquishing this land, but the agreement stood as originally negotiated. Of the territory ceded to the

Mexicnas in New Mexico, all but a small portion was considered barren and of little economic value, but the Mesilla Valley was indeed fertile and some 3,000 American pioneers had already established residence there. The compromise enabled the Mexicans to assert seemingly valid claims to the area. Threats of military action were exchanged by both the governors of New Mexico and Chihuahua. The Mesilla Valley was of strategic importance to the United States. Located some 700 miles from San Antonio and about 800 miles from Los Angeles, it was widely known as the only stage stop between those terminals where a traveler might be assured of certain aspects of civilization.[6]

In spite of the fact that Americans were settled in the Mesilla Valley, the strong controversy over the territory might never have arisen had not the proposal of a primary trans-continental railroad come to the fore. The idea of a trans-continental railroad had first taken definite form as early as 1845 under the proposals of Asa Whitney in Congress. He disclosed a route to take the form of the laying of track over the northern Plains and Rockies to the Pacific Coast. This proposal was immediately countered by James Gagsden, then the president of the Louisville, Charleston, and Cincinnati Railroad, who recommended in that same year of 1845 that the track be laid through Texas and along the Gila River to the Coast.[7] The issue of the transcontinental railroad had involved as subject matter in Congress for some four years when, in 1849, gold was discovered in California enhancing further the demand for a transcontinental railway.

After the adjournment of Congress in March, 1853, Senator Rusk of Texas made a tour of the proposed southern route for inspection purposes. He stated in a speech which ensued that the southern route was by far the most promising since it was both the most direct and over the most favorable region. The Southern Commercial Convention which met in Memphis in June, 1853, went on record as saying that since the United States could build but one transcontinental railroad, it should be over an area which maintained the most favorable climate, the most likelihood of cheapness in construction, and the most favorable accessibility in all seasons. Gadsden had been President of the L., C., & C. and his ultimate appointment as minister to Mexico suggested the influence of Jefferson Davis, the Secretary of War under Pierce. Davis let his dissatisfaction over the territorial acquistions of the Treaty of Guadalupe Hidalgo be readily known as well as his desire for a desert-mountain boundary to the south of the Rio Grande.[8]

Not only the possibility of a transcontinental railroad but also the ensuing problem of the control of Indians along the boundary between the nations took the two nations attention. For five years the United States tried to curb the ravaging Indian activity but with very limited success. The various raids of Indians along the northern boundary of the international line continually grew more destructive and Mexico was persistantly demanding the fulfillment of the treaty obligations as spelled out in the Treaty of Guadalupe Hidalgo. The Mexican government was demanding an indemnity for the depradations which the Indians

were committing, but the United States maintained that they were in no way bound to pay such an indemnity under the terms of the 1848 treaty. The Senate seemed to forget that it had accepted a section of the Treaty of Guadalupe Hidalgo which stated that they would be no libel. At any rate, the Senate asserted that the primary difficulty in the inability of American troops to cope with the problem was due to Mexico's failure to furnish an adequate frontier defense.[9]

The most warlike Indians of the 160,000 which inhabited the territory in question were the Apaches. Ever since the invasion into their territory by the Conquistadores, they had waged almost continual warfare against the aliens. The Apaches were gradually pushed into the northern, arid regions of Mexico, and the guerilla warfare was unceasing. When the Spanish government withdrew from Mexico, the Mexicnas revived the hatred which had developed. The Mexicans were noted for their several acts of treachery against the Apaches, and these depradations were not forgotten by the Indians. Quite naturally, when the United States inherited the lands from the Mexicans, the hatred expressed by the Apaches was not forgotten.[10]

Article XI of the Treaty of Guadalupe Hidalgo was the basis for this controversy concerning the Indians of the region. Both governments saw their lands being raided and destroyed by the Apaches and Commanches. The United States refused to accept the Mexican interpretation of the article suggesting that the United States owed the damaged people of Mexico an indemnity for the

violations of the article. On the other hand, the Mexican government rejected the offer of the United States through Senator Roscoe Conkling to repudiate that article of the treaty by both sides. Even while negotiations were under way to seek a solution to the problem, the Indians continued to raid, and one Indian agent went so far as to assert that he could not remember a day that some installation or home was not attacked, looted, or something stolen from it by the Indians. The various speculators and invaders from both Mexico and the United States did nothing to help the difficulties which were increasingly creating friction.[11]

The issue of the importance of the Isthmus of Tehuantepec was early recognized. The United States realized that a road or canal across the isthmus would not only aid the government, but it would also provide a much safer and direct route for the transportation of trade with the Asiatic countries. The coming of the steam locomotive soon caused the displacement of the idea for a road or canal across the isthmus. Demand was further facilitated by the discovery of gold in 1849, and the admission of California into the Union in 1850. The isthmus and its possession was a must in order to guarantee the quick communication between the east and western parts of the United States.[12]

Among the first to advocate the acquisition of the Isthmus of Tehuantepec was Vice President George Dallas in 1847. He even went so far as to suggest that some twenty million dollars be withdrawn from the treasury for such a transaction. The Secretary of the Treasury, Robert J. Walker, considered the acquisition of

the isthmus as more important than the securing of California in the negotiations for peace. President Polk and other Cabinet members considered the isthmus important to American interests, but did not go so far as to reinterate Walker's attitude. But the idea of the implimentation of the canal for American purposes could not be realized. Minister Nicholas Trist reconciled himself to the fact that if the matter of the isthmus were pressed too far, the acceptance of a suitable boundary might well be placed in jeopardy. This was primarily due to the fact that the Mexican mediators realized that the interest of Britain were involved and, hence, the right of transit across the isthmus had not been realized in the Treaty of Guadalupe Hidalgo in 1848.[14]

The isthmusian question was a deep seeded problem of uncertainties for both governments. The Mexican government had rendered a private grant in the United States which came to be known as the Garay grant, but they soon decided to annul the agreement. Matters were complicated when the grantees maintained that Mexico had no legal grounds for the abrogation of the agreement and considered it still valid. They were demanding of the United States that they initiate armed intervention in order to maintain the Garay rights, or that they demand a large indemnity for the activities of the Mexican government in this matter. The Mexican government further complicated matters when they sustained another grant which came to be known as the Sloo grant, because the activities of Senator Conkling in convention bound the United States to protect the latter grant. Each holder

of a grant was waiting impatiently for the new Democratic administration of Franklin Pierce so as they might see how the matter would be handled.[15]

It soon came to be realized at the outset of the administration of Franklin Pierce that diplomacy with Mexico would be no easy matter. The boundary dispute, the issue of the transcontinental railroad, the raids of the Indians on both sides of the border, and the unsettled problems involving the Isthmus of Tehuantepec were in a realistic sense the antecedents of what came to be known as the Gadsden Treaty. Pierce was forced when taking office into either settling the differences with Mexico at hand, or to merely permit them to continue until they would ultimately be resolved by means of force. In choosing the method of negotiation, Pierce utilized the services of James Gadsden, and his success brought America the last contiguous land addition which it was to realize.

There were several factors which tended to suggest that both nations sought peaceful negotiation of the issues at hand. The leaders of the Mexican government talked very sternly with the Americans concerning the disputed issues, but it was quite apparent that they were in no condition to pursue an assault upon their northern neighbor. They were without the benefit of either funds of the necessary equipment to manipulate a satisfactory threat to the United States, at least militarily. Furthermore, the summer of 1853 saw the question of the Near East threaten the pacification of Europe which placed Mexico virtually in an impossible position in an attempt to surmount allies against the United States. The Mexican government further realized that the fire and hatred on the part of American statesmen had not died due to the intensity and short time span since the 1846-1848 war in which both nations were involved. The Pierce administration, on the other hand, along with the editors of expansionist

periodicals in the United States realized that another war with Mexico could only result in the acquisition of more territory in lieu of reparations, and such a manuver could result in the schism of not only the Democratic party but the very Union as well.[1]

Assuming office about the same time as Franklin Pierce, Santa Anna had returned from exile. He was elected as the "president" of the Republic of Mexico and took office during the month of March, 1853, in the hope that the old hero of the people might bring a degree of stabilization to the politically shaky government of Mexico. Santa Anna did seek to bring a sense of law and order to Mexico and into a government which was almost completely demoralized due to the adverse effects of five years of internal fighting and conflict in power. In order to achieve this desired stability, he was in rather severe need of American capital as well as the support and cooperation of the American people. He therefore adopted a progressive policy of opportunity interbred with expediency toward the United States. He anxiously awaited the arrival of James Gadsden which occurred on August 4, 1853.[2] The Pierce administration reasoned that if Santa Anna could be convinced that a treaty of purchase could be arranged between the two nations, then he might well decide to assume dictatorial powers in order to achieve that agreement.[3]

When Gadsden arrived in Mexico City, he carried with him the lengthy instructions which had been furnished him by Secretary of State William L. Marcy. These instructions seemed to reflect the attitude of the Pierce administration as to what should be

done to restore a sense of stability in relations on the part of the United States toward Mexico. Marcy readily admitted the embittered attitude which Mexico projected toward the United States and urged Gadsden to place a great deal of emphasis upon the necessity of a friendship between the two nations.[4]

The view held by the Taylor-Fillmore administration concerning the Bartlett-conde boundary agreement was considered unacceptable by the Pierce administration. Pierce decided to consider the aforesaid agreement null and void, favoring that a legal boundary had never been formulated and Gadsden should obtain a documented grant from the Mexican government consenting that a legalized boundary be both run and marked. In lieu of the formulation of such a boundary consent, Gadsden was to extract the promise that neither government would take sole possession of the Mesilla Valley, contrary to the desire of Governor Thomas Lane of New Mexico to take it by force if necessary.[5]

As to the position of the Pierce administration concerning the transcontinental railroad, Marcy conceded that, under the boundary provisions of the Treaty of Guadalupe Hidalgo of 1848, there was no suitable construction route for a southern oriented railroad along the Gila River through New Mexico and Arizona. He did assert, however, that an ideal route was to be found on the Mexican side of the Gila River for the railroad route to California. Marcy was of the opinion that such a railroad, with its potential closeness to the boundary would be of almost as much value to the Mexican people as that of their counterparts in the United States.

Therefore, Marcy noted that Gadsden should negotiate with Mexican officials to consent to the formulation of a new boundary which would permit the transfer of sufficient territory south of the Gila River in order to construct such a railroad. Marcy promised Gadsden all the geographical information necessary concerning the area in question should the Mexican government stipulate the realization of such a differentiated boundary. Marcy was indeed quick to note that the sole reason the United States desired an alteration in the boundary with Mexico was to permit the possibility of the transcontinental railroad along the Gila River. His instructions to Gadsden did not permit him to make specific monetary authorization for the additional territory but he hinted that the land in question should be purchased for a moderate sum.[6]

In Marcy's lengthy instructions to Gadsden, he noted that should the Mexican government agree to negotiate for a new boundary line, Gadsden was not to press for the American claims to the disputed territory of the Mesilla Valley, but rather to include these assertions into the negotiation of the new boundary. The negotiations with Mexico were to be inclusive to the extent that they were to incorporate both the claims of American citizens against the government of Mexico as well as the claims of Mexicans against the United States concerning the protection against Indians as prescribed by Article XI of the 1848 Treaty of Guadalupe Hidalgo. Franklin Pierce interpreted Article XI of the treaty to mean that the United States was to retard and restrain various Indian ravages into Mexican territory much in the same way it was

bound to protect citizens of the United States from attack. He could see no provision which bound the American government in terms of indemnity when this article was not properly fulfilled, insinuating that a majority of the blame should be accepted by the Mexican government for their haphazard cooperation in the control of the Indian menace. Pierce, through Marcy, did realize that the discussion of this issue might be paramount to the realization of a purchasing agreement between the United States and Mexico, so he conceded to at least consider the topic in the final disposition of matters relevant to the negotiation of a treaty.[7]

In short, Gadsden was instructed by Marcy on behalf of the Pierce administration to secure additional territory in order to insure the practicality of a southern transcontinental railroad, a terminal release from the confines of Article XI of the Treaty of Guadalupe Hidalgo, and attempt to settle the outstanding claims on the part of both governments, and create a more amiable attitude toward the United States on the part of Mexico. For the benefit of the Northern industrialists in the United States, Gadsden was assigned the task of precipitating more positive commercial relations between Mexico and the United States.

It is not known whether these instructions carried by Gadsden were a true representation of Marcy in the middle of the summer in 1853. It is certain, however, that these moderate instructions were not strong enough for the minister who was in possession of them. He seemed to dedicate himself much more to the dictates of the Secretary of War, Jefferson Davis, in that he showed few signs

of confining himself to the limitations as set forth by Marcy. On at least two occasions before he left for Mexico City, Gadsden requested that A. B. Gray make geographical notations of not only the Gila River and Mesilla Valley regions, but also the Gulf of Baja California and surrounding regions. The reason which Gadsden gave for such a request was that, "any settlement of the boundary question which may involve a change from that defined (or rather so undefined) in the Treaty of Guadaloupe; should be made so discreetly and advisably as to preclude the necessity of a revisal hereafter. We must settle on a Zone which will give satisfaction to both parties; preclude neighborhood feuds by securing to the State what she requires, and as you probably know she will have".[8]

After his arrival on August 4, 1853, Gadsden was able to meet with Santa Anna and his Minister of Foreign Affairs, Manuel Diaz be Bonilla on August 17. It was to Bonilla that Gadsden presented the actual proposals on behalf of the Pierce administration. As they were being considered by Santa Anna and his Mexican government, Gadsden was given the opportunity to correspond with Washington concerning impressions which he had extracted by the actions of the Mexican government. In such a dispatch on September 5, Gadsden informed Secretary of State Marcy of the political situation in Mexico as surmized by himself. He was careful to note the treasury of the Mexicans was all but deleted, the treachery with which Santa Anna was maintaining himself, and the immediate need for financial assistance on the part of Santa Anna to insure for

himself the continuation of power. Gadsden earnestly believed that the basis for any negotiation concerning the transfer or sale of territory was to be that of money. Gadsden recognized that the government of Santa Anna was one of "plunder and necessity" and a treaty resolving the extended differences between the two nations could be negotiated purely on the basis of cash grant. In other words, a treaty of general agreement could be potentially realized, but it must be paid for.[9]

Santa Anna realized all too well that without the money from such a purchase as that suggested by Gadsden, he would be unable to support his generals and himself in their accustomed manner. He further realized that without such funds, his regime would be doomed to capitulate in the very near future. But his ultimate decision to negotiate issues with Gadsden was not greeted with considerable enthusiasm outside the sanctum of Santa Anna's elite circle of governing generals. The Liberal wing in Mexico regarded the sale of any territory to the government of the United States as a further mutilation of the newly founded republic and a serious blow to national pride in a period when it was most desperately needed. The Liberals readily rejected the negotiations between the Mexican government and Gadsden feeling that another step on the part of American expansionists in their program of manifest destiny, and the Mexican people would surely have to prepare themselves for the loss of additional territory either by means of peaceful sale or military conquest in the not too distant future.[10]

Preliminary conferences were arranged to take place on September 25 and then on October 2. Gadsden felt that at last he would be able to negotiate a satisfactory treaty around the provisions he had presented to Minister Bonilla. Gadsden was at all times pushed for the acquisition of a much greater amount of additional territory than that called for by the minimum suggestions of Secretary of State Marcy. While discussing this desire for a liberal southern boundary, Gadsden had occasion to declare:

> No power can prevent in time the whole valley of the Rio Grande from being under the same Government. All sympathies of the Mexican States west of that river must and will be with the State or States east. And either Western Texas must come back to the Mexican Government or the States of Tamaulipas, New Leon; Coahula (sic) and Chihuahua, will by successive revolutions or purchases become united with Texas. These are solemn political truths - which no one can be blind to. It is for the consideration therefore of the two Powers claiming opposing jurisdiction to determine (where fate seems to have decreed) whether it is not in harmony with good neighborhood to the advantage of both Republics to sell and to purchase; and thus anticipate a union of States naturally bound to each other....

Gadsden was not able to obtain the immediate concession of this demand, but he was able to secure a stipulation by which the territory in dispute would remain in the position of the *status quo* and military commanders of both governments on the frontier were to be immediately informed as to this new development. Though Santa Anna was very firm in his stand not to give up any more territory than was absolutely necessary for the reasonable routing of a transcontinental railroad, Gadsden never gave up hope of an ultimate change of attitude on the part of Santa Anna

concerning the change of territory. It was during this period in which he was patiently awaiting supplementary instructions concerning the negotiation of such an agreement which he had been promised by Marcy at the outset of his mission.[11]

After a considerable lull in the negotiations, the additional instructions arrived from Washington. Though they bore the date of October 22, they were apparently written after Marcy had read the communications which he had received from Gadsden concerning the conferences the latter had had with Santa Anna and Bonilla on September 25 and October 2. These instructions were brought to Gadsden in the person of Christopher L. Ward, special emissary from Marcy. He arrived in Mexico City on November 11 and recited the instructions to Gadsden which he had memorized upon Marcy's request. This memorization on the part of Ward was based upon the premise of distrust for not only the power of Santa Anna but also the stability of his government. Within these instructions, five possibilities were suggested for the boundary line that was to be the center and heart of any negotiations which were to take place. [12]

The first proposed boundary was a natural mountain-and-desert barrier which would involve the cession to the United States of significantly large parts of the Mexican states or provinces of Tamaulipas, Nuevo Leon, Coahuila, Chihuahua, Sonora and all of Baja California. This incorporated approximately 120,000 square miles and for all this territory, Gadsden was given permission to extend an offer of fifty million dollars. President Franklin

Pierce personally preferred this boundary as did his Secretary of War, Jefferson Davis. This is but another illustration of the apparent closeness in attitude between the President and Davis. The commander of the armed forces occupying the border with Mexico, General P. F. Smith, also preferred this boundary. [13]

The second proposal did not extend quite so far south, and it did not include the peninsula of Baja California. This line enveloped an approximate area of 50,000 square miles for which Gadsden was authorized to offer thirty-five million dollars. The third line included even less territory along the mainland of Mexico but did include Baja California. The geographical addition would have amounted to some 68,000 square miles, and Gadsden could go as high as thirty million dollars. The fourth alternative was to be marked as the same as the third with the exception that Baja California was to be excluded. Some 18,000 square miles were involved and for this possibility twenty million dollars could be offered. The fifth line was the least radical in terms of the transfer of land. Under this proposal, a line was to be extended along the parallel of 31 degrees and 48 minutes from the Rio Grande to the Gulf of California. Gadsden was permitted to offer fifteen million dollars for this territory. [14]

Three days after his arrival, Christopher Ward transmitted these instructions to Gadsden. Ward also included an additional four paragraphs of his own concerning claims against the Mexican government in favor of the grantees under the Garay and Sloo

grants in the amount of five million dollars. Gadsden realized the greedy implications on the part of Ward, and after the treaty was ultimately concluded, Gadsden complained bitterly at the attitude which Ward was permitted to take.[15]

In lieu of the proposals offered by Gadsden under the authority of President Franklin Pierce, Santa Anna was in a very precarious position. He viewed his political situation in 1853 as extremely gloomy. He took careful note of dismantled fortresses, abandoned frontiers, an exhausted treasury with no extensions of credit, and an army of minute power. He further knew that if war was to ensue with the United States, there would be no hope of either French or British intervention. In short, he was indeed desperate. These conditions were recognized by Gadsden and he began to seriously push for the acceptance on the part of Mexico of the southernmost boundary proposal. During the month of November, Santa Anna held a number of lengthy conferences and decided that the northernmost boundary line was the only proposal which could be negotiated. He reasoned that even such a northern acquisition would enable the United States to realize what it indeed wanted most - a transcontinental railroad to the south. Santa Anna then proposed that a commission of the Mexican government conclude the negotiations which was to include the Minister of Foreign Affairs Bonilla and two engineers knowledgeable on the disputed area.[16]

During this crucial month of November, a most inopportune event occurred which radically alterred the position of Gadsden

during the remaining course of the negotiations. Filibusterer William Walker led an invading expedition into Baja California which included less than fifty men. He managed to land at La Paz and proclaimed that the territory of Baja California was from that time to be considered an independent republic outside the jurisdiction of the Republic of Mexico. This peculiar yet unfortunate event further convinced Santa Anna that the United States fully intended to annex the remainder of the Mexican Territory, and further entrenched his position against the transfer of any more land that was necessary to construct the transcontinental railroad. Both Secretary of State Marcy and Minister Gadsden received official protests from the Mexican government concerning this issue created by Walker. Gadsden took the immediate initiative by sending American consuls on the west coast of Mexico instructions, and he alerted the commanders of war vessels harbored in California to intercept Walker if possible.[17] W. H. Aspinwall of the Pacific Main Steamship Line offered to capture the notorious Walker, because he recognized that the negotiation of a treaty by Gadsden was being greatly imperiled by Walker's activities.[18] It may well be very ironic that Gadsden later wrote to the South Carolina Daily Courier that the peninsula of Baja California would probably been transferred from Mexico to the United States by means of simple negotiation "had not the insane expedition caused Santa Anna to set his face resolutely against it".[19]

As has been reflected, though Santa Anna was indeed very

suspicious of the motives of the American government, he had no real alternative but to negotiate some sort of treaty by which he could receive a significant grant of money. Yet even in spite of Gadsden's demands to the contrary, Santa Anna refused to negotiate on any basis the change in a boundary between the two nations except the fifth proposal which gave the United States only enough territory by which to construct a transcontinental railroad. When Gadsden was informed that he would be dealing with a commission composed of Bonilla and two engineers, he sent a lengthy letter to Bonilla that he seriously consider the other proposed boundaries as set out in Gadsden's instructions. He even tried to rationalize to Bonilla that the "spirit of the age" would one day make the northern provinces of Mexico part of the United States. Furthermore, Gadsden suggested that should Mexico succumb to this first proposal, Santa Anna could better consolidate his power, both militarily and politically, in the more populated regions of the south. Even when Gadsden ultimately agreed to the fifth proposal at the signing of the treaty, he made note that he considered this but a temporary elongation of the inevitable.[20]

Gadsden never gave up hope over the issue of the acquisition of additional territory. He made it quite clear to both Santa Anna and Bonilla that he was personally in favor of a natural boundary between the two nations. He conceived such a boundary to be of a desert-mountain nature. He asserted that from such a basis, American expansion would cease, border feuds would come to

an end, and there would remain no problem of protecting border citizens of either nation. Gadsden did create a sense of fear in the hearts of many Mexicans when he boldly set forth:

> No power can prevent in time the whole valley of the Rio Grande from being under the same government. All the sympathies of the Mexican states west of that river must, and will be, with the state or states east of it, and either western texas must come back to the Mexican Government or the northern provinces will by successive revolutions or purchase become united with the state of Texas. These are solemn political truths, which no man can be blind to.[21]

The commission established under the authority of Santa Anna and Gadsden began to negotiate the prescribed issues on December 10, 1853. At that time, a tentative treaty was presented by Gadsden, and this proposal was accepted as the basis of discussion. Six days later these men met again, but there had arisen a considerable amount of variance as to the extent of land to be ceded the United States within the confines of a treaty as well as the amount of money to be paid Mexico for any subsequent cession of territory. Gadsden felt that the sudden change in attitude by the commission may well have been the result of the speculators in various Indian claims.[22] It was after this second conference that Gadsden almost gave up in despair. He noted that the excessive demands of the Mexican government almost brought him to the point of ending the negotiations. When the Mexican commission realized the state of mind which Gadsden was in, they asked for another conference in order to attempt to iron out the differences, and Gadsden agreed to make another attempt at negotiation to fulfill his

Mission. It should be noted, however, that with the extensive demands which Gadsden was making in terms of cession of territory to the United States, the creation of a feeling of hopelessness was perhaps a one sided creation.[23]

The session between Gadsden and the commission on December 23 was very fruitful. A considerable amount of progress was made concerning the treaty. Except for a few mild changes in order that a satisfactory railroad route might be realized, Gadsden accepted the boundary as presented by Bonilla. The new treaty was also to perpetuate the promised protection to the civil and ecclesiastical rights and property of the inhabitants in the ceded territory as originally guaranteed in the Treaty of Guadalupe Hidalgo. Both nations were to send one commissioner to navigate such a boundary and upon its finish, it would become part of the treaty proper. At this conference, Bonilla offered to release the United States from Article XI of the Treaty of Guadalupe Hidalgo on the condition that the United States declare itself responsible to Mexico for the itemized losses encountered by both the government and its citizens at the hands of Indian depredations "and for the obligations which Mexico would naturally assume by the abrogation of the article". Gadsden found it impossible to accept such a provision and extended a compromise. Mexico would totally relinquish its claims under Article XI, the act of which would be considered in the amount he was authorized to pay in lieu of the settlement of all issues between the two nations.[24]

The fifth conference between Gadsden and the commission occurred on December 24. It was during this conference that Gadsden attempted to get the Mexican government to accept the Garay grant (which was an issue very important to Christopher L. Ward for which he lobbied intensely), but Bonilla steadfastly refused. Bonilla contended that this was exclusively an internal matter and would not reconsider even when Gadsden offered three million dollars to obtain this concession alone. Bonilla felt that the only way to include it in the treaty was to include it within claims of American citizens against Mexico, an idea to which Gadsden clung when he reconciled himself to the fact that Bonilla would have it no other way.[25]

The commissioners then turned to the matter of financial compensation to the Mexican government which had been itself willing to extend concessions. Gadsden made an initial offer of seventeen million dollars, twelve million of which was to pay for the things agreed upon, and five million to be dispensed within the United States to satisfy American claims against Mexico. The Mexican commission would not resign itself to such an amount, and after considerable discussion, it was ultimately decided that the United States would pay the sum of fifteen million dollars to be dispensed exclusively for the satisfaction of private claims. Of the fifteen million dollars to be paid to Mexico, three million was to be transferred upon the exchange of ratifications of the treaty. The remaining twelve million was to be paid in monthly installments of three million each.

As almost an afterthought, Bonilla suggested that an additional article be inserted into the treaty by which both nations would assist each other in terms of military and naval forces when illegal invasions into their respective countries should take place.[26]

During all six conferences which took place, Gadsden continually pressed for the southernmost route. Santa Anna had a very strong reaction to such an assertion by Gadsden. By means of his reaction to American demands, Santa Anna also wished to excuse his activities concerning the sale of Mexican land before the people. He was careful to note that should he have refused to accept the American offer, the "Yankee imperialists" would have taken it anyway. He attempted to verify his position by making a number of claims of coercion against the United States. He charged that the United States was guilty of prematurely occupying the territory in dispute, and the significant concentration of troops on the Rio Grande for the sole purpose of making their presence felt to push Mexican officials into an undue agreement with the United States involving the cession of Mexican lands. The first charge is totally unfounded in lieu of the facts presented in the United States Department of State papers. Secretary of State Marcy had informed both Gadsden and the governor of New Mexico that there was to be no invasion of territory in dispute until after negotiations with Mexico concerning the subject had been realized.[27]

As the documents of the Department of State seem to discredit

the first accusation of Santa Anna, the second charge seemed equally unfounded based upon evidence within the papers of the Department of War. Santa Anna's charge that the United States had amassed a concentration of troops along the border seems well countered by the fact that conditions that existed along the frontier warranted the full service of the small regular army which was stationed there. In the lands that had been ceded by Mexico in the Treaty of Guadalupe Hidalgo, there were an estimated 160,000 to 180,000 Indians. Tribes included were the Apaches, Navajos, Commanches, Kiowas, Utes and Yumas, most of whom were wild, The American government had recognized the attitude of these tribes and had initiated a three point program to combat their influence. They attempted to preserve peace among the tribes, protect the citizens of the region from their attacks, and prevent the southward raids of the Indians into the northern provinces of Mexico. It was true that American forces had increased along the border states of Texas, New Mexico, and Arizona to the approxmate number of 4,100, but there were never more than 180 mounted men near the border at any one time and never more than 600 during the entire period. The presence of troops in these areas in no way precluded that armed invasion into northern Mexico was to take place should Gadsden fail in his Negotiations.[28] It is both humorous and ironic that Santa Anna should accuse the significant buildup of American troops along the border when he was at the same time accusing the United States government of its ineffectiveness in handling Indian raids

along the border and demanding an indemnity for it!

Dispite the charge of Santa Anna to satisfy the growing displeasure of his people, the official treaty was signed by James Gadsden and the Mexican commission of December 30, 1853. The ultimate document which was signed stated:

"In the name of Almighty God!

The Republic of Mexico and the United States of America, desiring to remove every cause of disagreement which might interfere in any manner with the better friendship and intercourse between the two countries, and especially in respect to the true limits which should be established, when, not withstanding what was convenanted in the treaty of Guadalupe Hidalgo, in the year 1848, opposite interpretations have been urged, which might give occasion to questions of serious monent: To avoid these, and to strengthen and more firmly maintain the peace which happily prevails between the two republics, the President of the United States had, for this purpose, appointed James Gadsden envoy extraordinary and minister plenipotentiary to the same near the Mexican government, and the President of Mexico has appointed as plenipotentiary "ad hoc" his Excellency Don Manuel Diez de Bonille, Cavalier Grand Cross of the National and Distinguished Order of Guadalupe, and Secretary of State and of the Office of Foreign Relations, and Don Jose Salazar Ylarregui, and General Mariano Monterde, as scientific commissioners, invested with full powers for this negotiation, who having communicated their respective full powers, and finding them in due and proper form, have agreed upon the articles following:

ARTICLE I

The Mexican republic agrees to designate the following as her true limit with the United States for the future: retaining the same dividing line between the two Californias as already

defined and established according to the 5th article of the treaty of Guadalupe Hidalgo, the limits between the two republics shall be as follows: Beginning in the Gulf of Mexico, three leagues from land, opposite the mouth of the Rio Grande, as provided in the 5th article of the treaty of Guadalupe Hidalgo; thence, as defined in the said article, up the middle of that river to the point where the parallel of 31 degrees 47 minutes north latitude; thence along the said parallel of 31 degrees 20 minutes to the 111 meridian of longitude west of Greenwich; thence in a straight line to a point on the Colorado River, twenty English miles below the junction of the Gila and Colorado rivers; thence up the middle of the said reiver Colorado, until it intersects the present line between the United States and Mexico.

For the performance of this portion of the treaty, each of the two governments shall nominate one commissioner, to the end that, by common consent, the two thus nominated, having met in the city of Paso del Norte three months after the exchange of the ratifications of this treaty, may proceed to survey and mark out upon the alnd the dividing line stipulated by this article, where it shall not have already been surveyed and established by a mixed commission, according to the treaty of Guadalupe, keeping a journal and making proper plans of their operations. For this purpose, if they should judge it necessary, the contracting parties shall be at liberty each to unite to its respecitve commissioner scientific or other assistants, such as astronomers and surveyors,whose concurrence shall not be considered necessary

for the settlement and ratification of a true line of division between the two republics. That line shall be alone extablished upon upon which the commissioners may fix, their consent, in this particular, being considered decisive, and an integral part of this treaty, without necessary of ulterior ratification or approval, and without room for interpretation of any kind by either of the parties contracting. The dividing line thus established shall in all time be faithfully respected by the two governments, without any verification therein, unless of the express and free consent of the two, given in conformity to the principles of the law of nations and in accordance with the constitution of each country respectively.

In consequence, the stipulation of the 5th article of the treaty of Guadalupe, upon the boundary line therein described, is no longer of any force, wherein it may conflict with that here established, the said line being considered annulled and abolished wherever it may not coincide with the present, and in the same manner remaining in full force where in accordance with the same.

ARTICLE II

The government of Mexico hereby releases the United States from all liability on account of the obligations contained in the eleventh article of the treaty of Guadalupe Hidalgo, and the said article, and the thirty-third article fo the treaty of amity, commerce and navigation between the United States of America and the United Mexican States, concluded at Mexico on the fifth

day of April, 1831, are hereby abrogated.

ARTICLE III

In consideration of the foregoing stipulations, the government of the United States agrees to pay to the government of Mexico, in the city of New York, the sum of ten millions of dollars, of which seven millions shall be paid immediately upon the exchange of the ratifications of this treaty, and the remaining three millions as soon as the boundary line shall be surveyed, marked, and established.

ARTICLE IV

The provisions of the sixth and seventh articles of the treaty of Guadalupe Hidalgo having been rendered nugatory for the most part by the cession of territory granted in the first article of this treaty, the said articles are hereby abrogated and annulled, and the provisions as herein expressed substituted therefor. The vessels and citizens of the United States shall In all time have free and interrupted passage through the Gulf of California, to and from their possessions situated north of the boundary line of the two countries; it being understood that this passage is to be by navigating the Gulf of California and the river Colorado, and not by land without the express consent of the Mexican government, and precisely the same provisions, stipulations and restrictions, in all respects, are hereby agreed upon and adopted, and shall be scrupulously observed and enforced by the two contracting governments, in reference to the river Colorado, so far and for such distance

as the middle of that river is made their common boundary line by the first article of this treaty.

The several provisions, stipulations, and restrictions, contained in the 7th article of the treaty of Guadalupe Hidalgo shall remain in force only so far as regards the Rio Bravo del Norte, below the initial of the said boundary provided in the first article of this treaty; that is to say, below the intersection of the 31 degree 47 minute 30 second parallel of latitude, with the boundary line established by the late treaty dividing said river from its mouth upwards, according to the 5th article of the treaty of Guadalupe.

ARTICLE V

All the provisions of the eighth and ninth, sixteenth and seventeenth articles of the treaty of Guadalupe Hidalgo shall apply to the territory ceded by the Mexican republic in the first article of the present treaty, and to the rights of persons and property, both civil and ecclesiastical, within the same, as fully and as effectually as if the said articles were herein again recited and set forth.

ARTICLE VI

No grants of land within the territory ceded by the first article of this treaty, bearing date subsequent to the twenty-fifth day of September,when the minister and subscriber to this treaty on the part of the United States proposed to the government

of Mexico to determine the question of boundayr, will be considered valid, or be recognized by the United States, or will any grants made previously be respected, or be considered as obligatory, which have not been located and duly recorded in the archives of Mexico.

ARTICLE VII

Should there at any future period (which God forbid) occur any disagreements between the two nations which might lead to a rupture of their relations and reciprocal peace, they bind themselves in like manner to procure by every possible method the adjustment of every difference; and should they still in this manner not succeed, never will they proceed to a declaration of war, without having previously paid attention to what has been set forth in article twenty-one of the treaty of Guadalupe for similar cases, which article, as well as the twenty-second is here re-affirmed.

ARTICLE VIII

The Mexican government having, on the 5th of February, 1853, authorized the early construction of a plank and rail road across the Isthmus of Tehuantepec, and to secure the stable benefits of said transit-way to the persons and merchandise of the citizens of Mexico and the United States, it is stipulated that neither government will interpose any obstacle to the transit of persons and merchandise of both

nations; and at no time shall higher charges be made on the transit of persons and property of citizens of the United States than may be made on the persons and property of other foreign nations; nor shall any interest in said transit-way, nor in the proceeds thereof, be transferred to any foreign government.

The United States, by its agents, shall have the right to transport across the Isthmus, in closed bags, the mails of the United States not intended for distribution along the line of communication; also the effects of the United States government and its citizens, which may be intended for transit, and not for distribution on the Isthmus, free of custom-house or other charges by the Mexican government. Neither passports nor letters of security will be required of persons crossing the Isthmus and not remaining in the country.

When the construction of the railroad shall be completed, the Mexican government agrees to open a port of entry, in addition to the port of Vera Cruz, at or near the terminus of said road on the Gulf of Mexico.

The two governments will enter into arrangements for the prompt transit of troops and munitions of the United States, which that government may have occasion to send from one part of its territory to another, lying on opposite sides of the continent.

The Mexican government having agreed to protect with its whole power the prosecution, preservation, and security of the

work, the United States may extend its protection, as it shall judge wise to it, when it may feel sanctioned and warranted by the public or international law.

ARTICLE IX

This treaty shall be ratified, and the respective ratifications shall be exchanged at the city of Washington, within the exact period of six months from the date of its signature, or sooner if possible.

In testimony whereof, we, the plenipotentiaries of the contracting parties, have hereunto affixed our hands and seals at Mexico, the thirtieth (30th) day of December, in the year of our Lord one thousand eight hundred and fifty-three, in the thirty-third year of the independence of the Mexican republic, and the seventy-eighth of that of the United States.

JAMES GADSDEN, (L. S.)

MANUEL DIEZ DE BONILLA, (L. S.)

JOSE SALAZAR YLARREGUI, (L. S.)

J. MARIANO MONTERDE, (L. S.) [29]

The treaty which Gadsden and the Mexican commission had agreed upon was satisfactory to both sides. The treaty was now to have to pass perhaps the most solemn test of all - the United States Senate, the approval of whom was needed to solidify the agreement. Upon the instructions of President Franklin Pierce, Gadsden had taken every precaution in order that word of such negotiations might not be made public. He was personally very pleased with himself as he had accomplished the prescribed goals for which he had been sent to secure. A rational agreement as to the formulation of a more favorable boundary had been achieved. The possibility of the proposed transcontinental railroad along a southern route was much more a reality under the treaty. A partial settlement of the isthmian question was realized when the Mexican Minister of Foreign Affairs Bonilla agreed to grant an indemnity to the subscribers of the Garay grant which had been abrogated by the

Government of Mexico. Even with the pressures of the special emissary, Christopher L. Ward, the filibustering of William Walker, and the offer of "professional" negotiators to assist Gadsden with the formulation of the treaty, he was able to secure a compromise satisfactory to both nations.[1]

The treaty itself was placed in the hands of President Pierce on January 19, 1854, by the special emissary which he had had sent to give supplementary instructions to Gadsden, Christopher l. Ward.[2] For almost a month, newspapers had remained silent as to the possibility, whose certainty was heretofore unknown to them, of a treaty being signed between the governments of the United States and Mexico. But when on January 20, 1854, the contents of the treaty became known in the United States, it almost immediately became the subject of most ardent journalistic debate which failed to exclude either sectional or party lines. With the most notable exception being the New York Times, Northern newspapers sternly criticized the treaty with its provisions. On the other hand, Southern newspapers were solidly in favor of Gadsden's treaty with Mexico. Northern newspapers were very aggressive in their attacks on the treaty. They asserted that the Secretary of War was the real master mind behind the plot to have the treaty ratified. These newspapers claimed that Davis had extensive holdings near the boundaries of Louisiana and Texas, and their value would multiply immensely if a Southern railroad could be constructed and connected with the Great Pacific Railroad.[4]

Though the Northern newspapers were somewhat less than enthusiastic concerning the treaty, others praised Gadsden for the achievement he had made in lieu of the great obstacles which he had encountered. Even the New York Times urged the acceptance of the treaty on the basis that if the treaty were rejected, surely either France or Great Britain would secure the Isthmus of Tehuantepec as an avenue of both trade and travel from the Atlantic to the Pacific. It further declared that if such a result did take place and war ensued, there would be little hope of our maintaining our Pacific Coast possessions.[5]

As far as the acceptance of the treaty was concerned, the Cabinet of President Franklin Pierce was indeed divided. The Attorney-General Caleb Cushing, Secretary of State William L. Marcy, Secretary of War Jefferson Davis, and the Secretary of the Navy James Dobbin were in general favor of submitting the treaty as originally negotiated by Gadsden to the United States Senate for ratification. But the Secretary of the Interior Robert McClelland, the Postmaster-General James Campbell and President Pierce all advised the rejection of the treaty even before it took the test of the Senate. It has been generally agreed that the Secretary of the Treasury James Guthrie was said to be the neutral force in the Cabinet over this particular issue.[6] Ultimately, President Pierce, who was very opposed, agreed to submit the document to the Senate that certain of the provisions in the treaty be amended and altered in order that the agreement might be more favorable and acceptable to the United States.

Among those suggestion submitted by Pierce concurrent with the treaty to the Senate on February 10, 1854, were that the proposed rescue of both goods and captives by America be made reciprocal. He also wished a mutual agreement on the part of the two governments that they might cooperate in the suppression of unlawful invasions on either side of the border. Due to the Senate's preoccupation with other matters, the treaty was not actually discussed until debate began on March 13, 1854.[7]

To assert that the Gadsden Treaty was received by the Senate at a most inopportune time could certainly be considered an understatement. It was during this same period in which Senator Stephen A. Douglas, the Chairman of the Senate Committee on Territories, introduced a bill, which was later amended, providing for the creation of two territories out of the extensive region of the west of Iowa and Missouri, Kansas and Nebraska.[8] For almost three months the fierce fighting in the Senate continued. President Pierce had an extremely difficult time whipping his party into line, but when the ultimate vote was taken, all but a few of the Northern Democrats voted for the measure. The discipline imposed by the Democratic Party triumphed in the end. On the twenty-fifth day of May, 1854, the Kansas-Nebraska bill passed the Senate by a comfortable majority and the President signed it into law. Senator Charles Sumner of Massachusetts had perhaps the most foreshadowing remark concerning the passage of the bill when he said, "It is at once the worst and best Bill on which Congress ever acted. The worst inasmuch

as it is a present victory for slavery. The best, for it annuls all past compromises with slavery, and makes all future compromises impossible. Thus it puts freedom and slavery face to face, and bids them grapple. Who can doubt the result?."[9]

The delay in the discussion of the treaty which Gadsden had forwarded to Washington was due to two reasons. First, the bitter debate over the Kansas-Nebraska Bill had pushed all other business into the shadows and second, Senator James Mason of Virginia, the Chairman of the Senate Committee on Foreign Relations was not in Washington at the time of the Treaty's introduction. It is, however, ironic to note that three days after the introduction of the treaty which Gadsden had personally negotiated in the name of the United States government, James Gadsden of Charleston, South Carolina was confirmed as Minister to Mexico by the Senate.[10]

As debate finally did develop within the Senate, the line of political demarcation soon appeared quite vividly. Northern Senators, deeply embittered by the Kansas-Nebraska Bill, regarded the Gadsden Treaty as solely the acquisition of additional slave territory and the virtual elimination of a central or northernly oriented transcontinental railroad. Virtually all of the Senators which fought the bill, which Douglas, presented were drawn together in opposition to the negotiated agreement. Among the leaders which took up this ardent fight were William L. Seward of New York, Charles Sumner of Massachusetts, Hamilton Fish of New York, Salmon P. Chase of Ohio, and Benjamin F. Wade of Ohio.

They felt that the addition of territory destined to become an area for the expansion of slavery, no matter how small, was a crime against nature and should be opposed with a maximum degree of effort.[11]

On the other hand, there were those senators who were not in agreement with the treaty simply because they did not think that the territory obtained was sufficient to meet the needs of the United States, not to mention their own. Senators John B. Weller and William Gwin, both of California, stated that they would not be able to either endorse or support the treaty in question unless the boundary line were to be extended to the twenty-seventh parallel of north latitude. The southern extension of this boundary would not only enable the United States to secure a mountain boundary between the two countries, but also acquire the most favorable port on the Gulf of California, and possession of addition copper and precious metal mines located Sonora, the Mexican province directly south of Arizona.[12]

The several divisions of the Senate should here be noted to better understand the difficulties the treaty was to encounter upon debate. On the basis of straight party lines, President Pierce did not have an adequate number of Senators in order that the treaty's passage might be insured, as two-thirds were needed. At that time in the Senate, there were thirty--seven Democrats, twenty-one Whigs, and two Free-Soilers with which the treaty must contend.[13]

In addition to strict party divisions in the Senate, there

existed four primary blocs of Senators with conflicting views as to the merit of the treaty as well as the value of some of the articles it contained. There were a group of Senators led by James Mason of Virginia who publicly advocated the ratification of the proposed treaty as it was negotiated by Gadsden in Mexico. They were also in favor of the indemnity which was granted to the holders of the Garay grant, and they were opposed to any compensation to the Sloo grant holders. A second group was led by the California senators, John B. Weller and William Gwin, demanding that the boundary as described in the treaty be altered to the south with the United States realizing additional territory as well as a port on the Gulf of California. A third group was that led by the durable Senator Thomas Rusk of Texas, an avid supporter of the southern route for the transcontinental railroad, one which would span his own state providing valuable revenue for Texas. This group was by far the most aggressive in their support of the treaty. They demanded only a boundary line which would insure an eligible and productive route for the southern transcontinental railroad. The fourth group, led by Senator John Bell of Tennessee, felt that the holders of the Sloo grant had been neglected and hence demanded that the government recognize the complaints of these grantholders and demand an indemnity for them.[14]

On March 27, two weeks after the debate upon the treaty had finally begun, the intrigue of Christopher L. Ward, the special emissary of Secretary of State William L. Marcy, was

discovered in the Senate. The Senate immediately demanded that President Pierce extend to them all the correspondence, both official and unofficial, connected with Ward and the treaty. In addition to the correspondence, Pierce informed the Senate that Ward had been given no instructions from either Marcy nor himself concerning the recognition of the conflicting grants which Mexico had issued.[15] The effect that this new ray of light had upon the treaty was most unfavorable. The advocates of the treaty were able to muster but a few more than a bare majority. The boundary line as proposed in Article I of the treaty was rejected by a vote of 19 to 17, but so was a new boundary to the south as proposed by the Weller-Gwin bloc by a vote of 21 to 20.[16]

The defeat of the original boundary virtually put an end to the support sufficient to ratify the treaty as it had been negotiated. On April 6, a motion to lay the treaty on the table indefinitely was defeated by but two votes. James Mason of Virginia retired from the scene, and the leading exponent on a treaty including the acquisition of territory from Mexico became Senator Rusk of Texas. Under his leadership, the treaty made a desperate effort to revive itself. This was made possible because all that Rusk actually wanted was enough territory so that the railroad through the South and Texas might well be realized. He decided to side with the Bell bloc which favored the Sloo grant in order that he might obtain their vote to assure the passage of at least some treaty. In order that he might

not arouse the Northern senators who opposed the operation of taking large amounts of land from Mexico favorable to slavery, Rusk assured them that no such mass undertaking would take place.[17]

On April 10, Rusk introduced an amendment to the treaty by which the boundary would be altered so that the United States would receive only territory sufficient for the realization of the railroad. The amendment was accepted 32 to 14. The amendment seemed to satisfy both those in the South who favored the railroad and those in the North who opposed the extension of slavery. Article II of the original treaty which permitted the United States from Article XI of the Treaty of Guadalupe Hidalgo was rejected and in its place, Rusk inserted the new provision that Article XI be abrogated without Gadsden's addition that the United States must aid Mexico in its protection from the American Indians. At the motion of Rusk, the Articles III and IV concerning the payment to Mexico of fifteen million dollars and the five million dollars to American claimants against the government of Mexico. The new provision stated that the United States simply pay to the government of Mexico the sum of seven million dollars and mentioned nothing about the private claims involved. This provision was accepted by a vote of 30 to 13.[18]

On April 17, the treaty was reported to the Senate for debate. Realizing that the revised treaty was still without a provision favorable to the holders of the Sloo grant, an amendment was introduced by Senator Bell of Tennessee which

would recognize the Sloo grant. The Senate defeated this measure by a vote of 28 to 18, lacking but two votes sufficient to insert it. Immediately the Senate decided to vote on the ratification of the new treaty, but it was rejected by the Senate in a vote of 27 to 18. Senator Bell voted for the treaty, but the other senators favoring the Sloo grant stood firm and it was not realized.[19]

On April 25, a new development occurred which resurrected the defeated treaty. James Mason re-entered the scene and proposed to the Senate that the boundary line be set slightly south of that which was recorded in the revised treaty. This alteration passed the Senate with only eleven dissents. He further changed the amount of compensation to be paid the Mexican government from seven million dollars to ten million dollars. The amendment which Senator John Bell had introduced on April 17 concerning the Sloo grant was accepted by a vote of 30 to 14, and the United States and Mexico would recognize the grant obtained under the Sloo agreement. On that April 25, the treaty as changed was ratified by the United States Senate. The only real opposition to the treaty came from those senators who comprised the anti-Nebraska and anti-slavery factions in the North.[20]

The negotiations and treaty to which James Gadsden had been a party had been significantly changed by the Senate prior to its ratification. First, the revised boundary reduced the territorial cession negotiated by Gadsden by abount 9,000 square miles. From a point at the intersection of the parallel of

31 degrees and 47 minutes with the Rio Grande, the new boundary between the two nations extended due west for a distance of one hundred miles; then south to the parallel of 31 degrees and 20 minutes; then along this parallel until it reached the 111th degree of longitude; then northward by a straight line to a point on the Colorado River some twenty miles below the junction of the Gila and Colorado Rivers; then run along the middle of the Colorado River until it reached the Gulf of California at the 1848 dividing line between Alta and Baja California. The ratified treaty provided that the governments of each nation should appoint one commissioner for the development of the new Line to be mapped. The amount that the United States was to pay to Mexico was reduced from fifteen million dollars to ten million dollars. The original provision by which the United States was to render five million dollars in claims against the Mexican government was striken in favor of a provision by which the United States abrogated Article XI of the 1848 Treaty of Guadalupe Hidalgo thereby extinguishing all claims laid against the United States but leaving the claims against the Mexican government still valid.[21]

James Gadsden, who had both been confirmed by the Senate as Minister to Mexico after the treaty had been negotiated and having returned from Mexico, was so displeased with the treaty as it had been mutilated by the Senate's amendments that he returned to Mexico in the hope that the new articles would be repudiated. He was very much annoyed with the various speculators

operating under the Garay and Sloo grants and their undue influence over the Senate concerning the Isthmus of Tehuantepec and the reduction of the territory acquired. He urged that President Pierce not recognize the treaty after it had been ratified, and wait until Santa Anna's successor took office. But Secretary of State William L. Marcy noted that President Pierce planned to announce the ratification of the treaty primarily because he did not believe that a better treaty could be extracted from the Mexican government, indeed if any new treaty could be obtained at all.[22] Upon realizing the attitude taken by Marcy, Gadsden on June 6 wrote an extensive letter to the Mexican Minister of Foreign Affairs Bonilla. In the letter he instructed the Mexican government that the ratification of the amended treaty would be in the best interest of their government as it did rectify the major difficulties which had arisen between the two governments, and that if it were to come to the negotiation of an additional treaty he could offer no guarantee whatsoever that the Senate would ratify any new agreement. Santa Anna realized that the major issues had still been disposed of even with the amending of the treaty. He also realized that he had no real alternative but to accept the treaty. He desperately needed money with which to sustain his loyal army or his overthrow would be eminent. Only immediate ratification could delay such an action. Juan N. Almonte, the Mexican minister to the United States even went so far as to assert that had not Santa Anna ratified the treaty when he did, war would have ensued between Mexico and the

United States. On May 31, 1854, Santa Anna accepted the amended treaty without change.[23]

After ratification of the treaty in the Senate, the measure had to be transferred into the House of Representatives in order that the expenditures necessary for concluding the agreement might be obtained. The treaty was officially submitted to that body on June 21, 1854 and was referred immediately to the Ways and Means Committee. On the following day, the chairman of the committee reported to the House proper that the requested appropriation should be granted. It was at that time when Representative Thomas Hart Benton, a long time member of the Senate, forshadowed the direction in which the debate over the appropriations was to take. He asked for the question of privilege so that he might require the President to extend to the House all the official documents concerning the treaty.[24]

Thomas Hart Benton was the second speaker to take the floor of the House when debate officially began on the treaty's appropriations four days after its introduction. It was at this time that Benton displayed the fiery tongue which was to make him the leader of the opposition to the dispersement of the requested funds. He presented a three-fold argument which warranted, as he thought, a denial of the money. First, he violently opposed the treaty's purpose in acquiring territory necessary for the construction of a southern transcontinental railroad. He stated that this would be a question better decided by the people rather than the Presidnet, the Senate, and Santa Anna.

He questioned why the United States should pay ten million dollars for such a strip of land when the country already had an appropriate route for a transcontinental railroad. In addition, the land was worthless except for the railroad. He went so far as to quote Kit Carson who said that the area in question was " desolate, desert, and God-forsaken and a wolf could not make a living upon it."[25]

His second objection to the treaty arose from the article by which the United States abrogated the Article XI of the Treaty of Guadalupe Hidalgo. He felt that the satisfaction which Mexico demanded should be from the Indians and not from the American government. He asserted that the United States had given the citizens of northern Mexico the same protection as it had its own citizens, and the government of Mexico had not the right to demand the extraction of a cent from the United States arising from such claims.[26]

Lastly, Benton asserted that the Pierce administration had been untruthful in stating that a treaty of this nature was needed to eliminate a "boundary problem" between the two countries. He argued that no such dispute existed and that the treaty was arranged in secrecy so that the administration might encourage speculation on the part of some including the Sloo grantees, the supporters of New San Diego, and Robert J. Walker, the President of the Million Dollar Railroad.[27]

Besides replying to the issues which Benton had raised, supporters of the treaty and allocations by which to fulfill

it extended their attacks upon Benton himself. Representative Robert Bayly of Virginia made the most striking lash at Benton when he documented evidence which displayed the fact that Benton not only disagreed with the treaty over the issues which he raised, but also because of personal reasons. Bayly showed that Benton had a great deal depending on the transcontinental railroad. He, like Stephen A. Douglas, owned a considerable amount of land in areas which would be cut by a transcontinental railroad along a central route. In a sense, Benton considered the transcontinental railroad a pet project and was willing to go to any lengths to insure the central route for the railroad. This argument is especially ironic due to the fact that Secretary of War Jefferson Davis had been accused of anticipating an excess rate of return on his southern investments if the route were to be realized in the South. While Davis' guilt cannot be established, the same was not true as far as Benton's holdings were concerned. [28]

The Democrats held a large majority in the House and were able to overcome the opposition of the combined Whigs and Free-Soilers. It was because of this that the appropriations bill was railroaded through the House. All attempts to alter the bill resulted in failure. Formal debate on the matter was closed on June 28 and the votes were cast. The final tally showed 105 for the appropriations and 63 opposed. The treaty was ratified by the President on the next day. The two governments exchanged ratifications on June 30, 1854, exactly

six months after the treaty had been signed - the last day before expiration. On July 1, Minister Almonte received a draft from the United States government for seven million dollars, the first installment under the treaty.

On August 4, 1854, President Pierce appointed Major William B. Emory, who had been appointed astronomer for Weller and Bartlett under the Bartlett-Conde Agreement, as American Commissioner for the final survey of the official boundary between the two countries. Major Jose Salazar, official surveyor under General Conde, was appointed to head the Mexican commission. These men met together and were recongized as the official second commission in El Paso in December, 1854. The initial point was fixed by the beginning of 1855. By June, the line had been run as far as Nogales. Early in 1855, Lieutenant Thomas Micheler, with Salazar, determined the initial point on the Colorado River and began to survey toward the east. Unable to provide themselves with water, they were forced to give up work temporarily and join Major Emory in Nogales in June, and from there during the summer surveyed westward until they struck the point where they had left off. The harmonious and expeditious work of this second commission was in striking contrast with the various misunderstindings and delays of the earlier commission. The rapid completion of the survey owes something to the fact that the Mexican government was much in need of financial aid and could demand the payment of the outstanding three million dollars only after the survey should

have been finished.[30]

After the line had been run in its entirity, Mexican soldiers remained in the small village of Tucson only until March 10, 1856, when a small party of Americna dragoons entered to take complete and formal control over the acquired territory and raise the American flag. By that time, however, the presence of Mexican troops in Tucson was nothing more than a mere formality, primarily because enough Americans had arrived to more than balance the Mexican population present and establish a solid American majority. Some of the early settlers in the area included in the Gadsden Purchase had arrived before the actual agreement was concluded and ratified, and many others arrived before the actual turnover of the territory by Mexico to the United States.[31]

Though the most consistent support for the Gadsden Treaty did come from the South, there seems to be little doubt that the treaty should not be totally analyzed in terms of sectionalism. To those who voted for the treaty, their most common cause stood out as the desire to secure at least the possibility for a southern transcontinental railroad. The vote on the amendment fostered by the Weller-Gwin bloc in the Senate concerning Article I which would give the United States more territory showed sixteen Northern senators and six Southern senators voting in the affirmative. On the other hand, six Northern senators and fourteen southern senators voted against the amendment. Another proposal later introduced to acquire more territory than that outlined in the original document could muster only two Southern votes in the affirmative. But Senator Rusk's amendment by which the United States would receive even less than originally intended in the treaty found eleven

Northern senators voting against that measure and only two Southern senators while fifteen of each favored the Rusk amendment. This seems to indicate that the issue of the acquisition of immense amounts of territory was certainly secondary to the South as it much preferred the idea of the railroad. Though opponents of the treaty well might have been attempting to exaggerate the amount of territory to be acquired in order that the treaty might be defeated, this idea has little evidence to support its merit as a theory.[1]

It cannot be denied that the Gadsden Purchase marked a striking success in both the expansion of the nation and foreign policy. But the treaty certainly fell short of perfection. Perhaps the most striking was the failure of the transcontinental railroad to materialize after the pains to which a number of senators went to secure an avenue through which it could run. In 1853-1854, Jefferson Davis, then the Secretary of War, had ordered surveys taken of the various routes through which the transcontinental railroad might take. Their reports when filed filled over ten volumes. Upon weighing the decision making reports, Davis concluded that the railroad should travel from Shreveport and across the Sabine River, through Texas and New Mexico, and on to Southern California. He stated that his decision was based upon the facts that the southern route was shorter, it would go through organized states and territories the total distance,and there would be little chance of snow in the South. While the Senate did not propose legislation protesting

Davis' decision, they did bring legislation by which the Indian territories of the central West might be organized. What resulted was the Kansas-Nebraska Act of May 25, 1854. This act, fostered by Senator Stephen A. Douglas who had extensive land holding which would enrichen him should they be used for the railroad, not only created two new states, but it also placed the mark of Cain on the southern routed transcontinental railroad.[2] In fact, the transcontinental railroad did not reach Tucson, Arizona, the principle town acquired by the Gadsden Treaty, until 1881.[3]

There seems to be several criticisms which have arisen from the Gadsden Treaty which historical data has failed to rectify. The Purchase failed to achieve the distinct advantages as set out by the Franklin Pierce administration which was in itself a foundation for the negotiations with Mexico. This shortcoming may not be lain entirely at James Gadsden's feet, but should be considered within the context of the historical mood of the era in which America was smothering foreign relations in lieu of the impending crisis concerning slavery after 1854. As has been mentioned, the Kansas-Nebraska Act of 1854, passed while the Gadsden Treaty was yet to be exchanged in form of ratification, negated any possibility for the eminent construction of a southern transcontinental railroad. An appropriate passage along the Isthmus of Tehuantepec was not realized as hoped by James Gadsden, William L. Marcy, and Franklin Pierce. This would seem due to the Ward intervention rather than personal abuse on the part of Gadsden. The treaty was not able to put

an effective halt to the marauding Indians which raided along the border. It was in view of this peculiar situation that many people located along the border requested that the area be placed under martial law to insure safety. Though the boundary was rapidly marked with apparent satisfaction, a new commission had to initiate a further revision as late as 1882.

The Mexican government and its people received very little from the Gadsden Purchase. The treaty stood out as a marked example of the traditional Mexican policy of procrastination and stubborness which persisted after the Mexican War over any issue in dispute with the United States. It was only the great need on the part of Santa Anna for the funds necessary to maintain his army and the fear of war with the United States which enabled Gadsden to overcome Mexican hostility for American foreign policy and manifest destiny. The money which Santa Anna did receive from the United States was quickly squandered to support himself in the life to which he was accustomed. The only real benefit which the treaty did afford the Mexican people was the aversion of armed conflict with the United States over the unsolved questions arising from the Treaty of Guadalupe Hidalgo. In short, the Gadsden Treaty became the instrument for solving new diplomatic issues developing between the two countries. It however afforded no avenue toward the bettering of relations between the United States and Mexico and indeed provided no answer to the "Mexican question".[4]

As for an actual breakdown of the territory obtained under

the auspices of the Gadsden Purchase, the figures have changed through the years. It was first generally thought that the specific added territory consisted of 45,535 square miles but this has since been proven to be erroneous. A breakdown of the land by a measurement conducted in 1912 showed that the total area encompassed 29,670 square miles. The conclusion of this second commission was that the first specified area was the result of a guess and not based upon geographic data. Of this territory, 27,305 square miles were located in the present state of Arizona, which comprises some twenty-four per cent of the state's present area. The remaining 2,365 square miles in New Mexico comprises about two per cent of its present area. [5]

Of the territory that James Gadsden added to the continental United States, the old city of Tucson stood out as its most important feature. Tucson had been an old Spanish town, named Old Pueblo and founded by Padre Kino. As the result of a Mexican census taken in 1848, it was found that the small town had but 760 inhabitants.[6] The actual purchase and eventual transfer into the realm of the United States government did not radically change the lives of the inhabitants, but most certainly fear and uncertainty must have plagued the spirits of Tucsonians and those residents to the south along the Santa Cruz River. Their homes, fields, and mines were included in the Gadsden Purchase and they were uncertain as to the recognition of their claims by the appropriate officials of

the United States government.[7]

Tucson best exemplified the climate of the area obtained by Gadsden. Among the vast stretches of arid, cactus-studded valleys and barren mountain ranges of the Sonora Desert, the Santa Cruz River cuts north from Mexico. Sixty miles from the border, its valley widens into a huge oval basin with the city of Tucson situated along the floor of the northern end. The transcontinental railroad did not arrive in Tucson until 1881, much later than originally expected, but by the turn of the century, it was both a bustling community and a supply center. For the next forty years the city's growth continued at a healthy pace. In 1940, the population was 32,506, rising to 45,453 a decade later. By 1960, the population had exploded to 212,892 people - an increase of 367 per cent. In short, what began as a small village, Tucson developed from such a beginning intoa principle metropolis of the Old West. She knew the flags of Spain, Mexico, the Confederacy, and ultimately the United States.[8]

With Tucson as a residential and commercial center, the Gadsden Purchase gave the United States much more than a mere southen avenue for a possible transcontinental railroad. Its boundaries encompassed a region of great potential wealth in minerals, fine grass lands, and fertile intermountain valleys. Today, it is a land blessed with the three C's- Copper, cattle, and cotton, as well as a climate which is unmatched in the United States in stability. Perhaps slow in developing, it is

today the land of manifest opportunity that men such as James Gadsden envisioned over a century ago.[9]

If a comparison must be made as to the long range advantages of the Gadsden Purchase, one might consider the acquisition of Alaska. It too suffered from a lack of initial support, but its advantages far outweighed its disadvantages when considered in long term retrospect. Perhaps it may be assumed that Gadsden did not actually realize what he purchased as the issue of the railroad was the primary item on his diplomatic agenda. It is known that Gadsden's diplomatic achievements other than this treaty had been somewhat less that outstanding. But it would appear given the conditions under which he was forced to function, Gadsden applied the correct amount of pressure upon the Mexican government thereby extracting a treaty at a time when the United States was in considerable need of an agreement. James Gadsden attempted to place a degree of foreign policy back into the government of the United States, but the domestic issue of slavery would permit no such insertion. The converging forces of slavery and abolition made all other issues secondary to that of their own. It is, however, ironic that the State Department and Gadsden gave Pierce his only real semblances of victory while in office.

The Gadsden Treaty ended the significant relations between the United States and Mexico during the Pierce administration. In the three remaining years, nothing more was achieved. The United States failed to properly settle the claims, won no

commercial treaty (a secondary issue in Gadsden's instructions), and even failed to eliminate some filibustering raids into Mexico. Actually it was an era of worsening relations. William L. Marcy, who by this time considered Gadsden a choleric and meddlesome envoy, failed to send Gadsden instructions for over a year as the result of some insulting letters from Gadsden. It is thought that Marcy would have preferred Gadsden removed, and most certainly Mexico did. When the recall was finally formulated in June of 1856, John Forsyth of Mobile, Alabama was given the mission and interest again developed toward Mexico by the Pierce administration. But nothing was really accomplished, and the Mexican question was, at most, a very limited success.[10]

UNEXPLORED

UNEXPLORED

T E X A S

(1,2,3,4)

(2,3,4)

ZACATECAS

32

30

28

26

24

116 114 112 110 108 106 104 102 100 98

## EXPLANATION OF THE MAP

Line No. 1-Boundary line most desired by President Pierce.

Line No. 2-Second boundary line desired by President Pierce.

Line No. 3-Third boundary line desired by President Pierce.

Line No. 4-Fourth boundary line desired by President Pierce.

Line No. 5-Boundary line designated by President Pierce as sufficient to secure a southern railway.

Line No. 6-Boundary line designated by President Pierce as sufficient to secure a Southern railway.

Line No. 7-Boundary line secured by Gadsden.

Line No. 8-Boundary line designated by the Senate in the amended treaty which was defeated in the Senate.

Line No. 9-Final boundary line secured between the two countries.

(1 2 3 4) Line common to lines Nos. 1, 2, 3, 4.

FOOTNOTES

First Chapter

[1]Louis Bernard Schmidt, "Manifest Opportunity and the Gadsden Purchase", Arizona and the West, pp. 245-6.

[2]Samuel Eliot Morison and Henry Steele Commanger, The Growth of the American Republic, pp. 608-9.

[3]Ibid. p. 609

[4]Charles Wilson Turner, Mississippi West, pp. 158-9.

[5]Thomas A. Bailey, A Diplomatic History of the United States, p. 261

[6]Morison and Commanger, p. 615.

[7]Samuel Eliot Morison, The Oxford History of the American People, pp. 564-5.

[8]Bailey, p. 263.

[9]Schmidt, p. 247.

[10]Bailey, p. 265.

[11]Chaucey W. Boucher, "The Conspiracy Denied", Mississippi Valley Mistorical Review, pp. 19-25.

[12]Ibid. p. 27.

[13]Albert K. Weinberg, Manifest Destiny, p. 173

[14]Ibid. p. 177

[15]Bailey, p. 266-8.

[16]Paul Neff Garber, The Gadsden Treaty, p. 6.

[17]Ibid. p. 7.

[18]J. Fred Rippy, The United States and Mexico, p. 110.

[19]Garber, p. 10.

Second Chapter

[1]Dictionary of American Biography, "James Gadsden", vol VIII, p. 83.

[2]Ibid.

[3]Ibid.

[4]Roy Franklin Nichols, Franklin Pierce, pp. 216-31.

[5]Dictionary of American Biography, "William L. Marcy", vol.

[6]James Ford Rhodes, A History of the United States Since the Compromise of 1850, vol. I 1850-1854, pp. 420-3.

[7]Nichols, pp. 247-9.

[8]Garber, op cit., pp. 80-2.

[9]Gadsden to Marcy, July 7, 1853, Marcy papers, vol. 40.

[10]Rhodes, p. 431.

Third Chapter

[1]Hunter Miller, Treaties and Other International Acts of the United States of America, vol. VI p. 346.

[2]Schmidt, op cit., p. 247.

[3]Garber, op cit., pp 12-3.

[4]Ibid. pp. 14-5.

[5]Schmidt, op cit., p. 250.

[6]William A. Kelleher, Turmoil in New Mexico, p. 196.

[7]Schmidt, op cit., p. 252

[8]Garber, op cit., pp. 24-6

[9]Rippy, op cit., p. 126

[10]Hubert Howe Bancroft, The History of Mexico, vol V 1824-61, pp. 597-606.

[11]Rippy, op cit., p. 127.

[12]Schmide, op cit., p. 253

[13]Garber, op cit., pp. 40-6.

[14]Kelleher, pp. 203-4.

[15]Garber, op cit., pp. 61-3.

Fourth Chapter

[1]Rippy, op cit., p. 127.

[2]Samuel Flagg Bemis, *The American Secretaries of State*, p. 273.

[3]Rippy, *op cit*., p. 128

[4]Garber, *op cit*., p. 83.

[5]Marcy to Gadsden July 15, 1853.

[6]*Ibid*.

[7]*Ibid*.

[8]Rippy, *op cit*., p. 131.

[9]Hunter Miller, *op cit*., p. 347

[10]Daniel James, *Mexico and the Americans*, pp. 67-70

[11]Rippy, *op cit*., pp 136-7.

[12]Schmidt, *op cit*., pp. 253-5.

[13]*Ibid*.

[14]*Ibid*.

[15]Hunter Miller, *op cit*., pp. 361-6

[16]Rippy, *op cit*., pp. 104-5.

[17]William O. Scroggs, *Filibusters and Financiers, The Life of William Walker*, pp. 31-51.

[18]Aspinwall to Dandridge, December 18, 1854, Marcy Papers, vol. 45.

[19]Garber, *op cit*., p. 98.

[20]*Ibid*. p. 101.

[21]James, p. 69.

[22]Garber, *op cit*., p. 102.

[23]Rippy, *op cit*., pp. 141-2.

[24]Garber, *op cit*., pp. 103-4.

[25]Rippy, *op cit*., p. 143.

[26]*Ibid*.

[27]Schmidt, *op cit*., p. 256.

[28]*Ibid*., p. 257.

[29]33 Congress, 1 session, Executive House Document 109.

Fifth Chapter

[1]Garber, _op cit_., pp. 107-8.

[2]_Ibid_.

[3]Schmidt, _op cit_., p. 258

[4]James, _op cit_., p. 74.

[5]Schmidt, _op cit_., p. 258

[6]Garber, _op cit_., pp. 116-8.

[7]Franklin Pierce's Letters, pp. 229-31.

[8]Clement Eaton, _A History of the Old South_, pp. 552-3.

[9]Morison and Commanger, _op cit_., pp. 644-7.

[10]_Senate Executive Journal_, IX, p. 241.

[11]_Congressional Globe_, 33 Congress, 1 session ( 1853- 1854 )
XXVIII part 1, p. 187

[12]*Ibid.*, p. 207

[13]*Ibid.*, p. 1.

[14]Garber, *op cit.*, pp. 122-3

[15]*Senate Executive Journal*, pp. 265-71.

[16]*Ibid.*, p. 278.

[17]Garber, *op cit.*, p. 124.

[18]*Senate Executive Journal*, p. 284-90.

[19]Rippy, *op cit.*, pp. 154-5.

[20]Senate Executive Journal, pp. 306-11.

[21]Garber, *op cit.*, pp. 131-2.

[22]Ivor Debenham Spencer, *The Victor and the Spoils, The Life of William L. Marcy*, p. 287

[23]Schmidt, *op cit.*, pp. 260-1.

[24]*Congressional Globe*, 33 Congress, 1 session, p. 1519.

[25]Rippy, *op cit*., pp. 157-8.

[26]*Ibid*.

[27]*Ibid*.

[28]Schmidt, *op cit*., p. 263

[29]Garber, *op cit*., p. 145

[30]Frank C. Lockwood, *Pioneer Days in Arizona*, p. 101.

[31]Rufus Kay Wyllys, *Arizona: The History of a Frontier State*,

Sixth Chapter

[1]Rippy, *op cit*., pp. 165-6.

[2]Turner, *op cit*., pp. 288-9

[3]Weldon F. Heald, "Tucson, Arizona", *Arizona Highways*, p. 11.

[4]Garber, *op cit*., pp. 185-7

[5]Schmidt, *op cit*., p. 264

[6] W. Eugene Hollon, The Southwest: Old and New, p. 192.

[7] Bernice Consulich, Tucson, p. 10.

[8] Heald, pp. 10-13.

[9] Schmidt, op cit., pp. 263-64.

[10] Spencer, op cit., p. 288.

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