THE INTERNATIONAL BOUNDARY
UNITED STATES AND MEXICO

UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
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A History of Frontier Dispute and Cooperation, 1848-1963

by

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UNITED STATES
DEPARTMENT OF THE INTERIOR
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FOREWORD

In the Chamizal Treaty of 1963 the United States and Mexico achieved a friendly settlement of a long-standing dispute over the location of the international boundary between El Paso, Texas, and Ciudad Juarez, Chihuahua. During nearly seven decades of contention over the disputed Chamizal tract, the issue had assumed a significance out of all proportion to the intrinsic values involved. The treaty by which the problem was at last resolved accordingly stands as a major landmark in the history of Mexican-American relations.

The citizens of El Paso recognize in the Chamizal settlement an unprecedented opportunity for a border improvement program reflecting the spirit of this diplomatic accomplishment. A key feature of the program would be the development, on the United States side of the boundary, of a memorial park commemorating the history of Mexican-American relations that culminated in the Chamizal accord. The park would be situated on the northern half of Córdova "Island," an incongruous enclave of Mexican territory protruding into El Paso that will be eliminated by the relocation of the Rio Grande channel. A related feature of the program would be a border parkway to carry traffic beside the new river channel. The National Park Service has been requested to study the possibility of developing such a memorial as a unit of the National Park System.

In determining the qualification of a historic site for addition to the National Park System, the first step is normally to determine if the site possesses "exceptional value" (i.e. national significance) for illustrating and commemorating the history of the United States. With the Chamizal site the problem is somewhat different. Though part of the Chamizal boundary settlement, the Córdova Island acreage proposed for park development cannot itself be seriously regarded as a historic site of national or even local significance. Yet for Mexican-American relations it possesses undoubted symbolic value, and it possesses, too, a close enough identification with a significant segment of America's past to be used as the focal point for interpreting it.

This segment of the past is the history of the international boundary, United States and Mexico. The Chamizal Treaty was a dramatic culmination of more than a century of eventful boundary relations that form an important as well as fascinating chapter in the history of both nations. As the accord that erased the last major international dispute along a boundary fraught with contention for 115 years, the Chamizal Treaty recalls the entire boundary history. The Córdova Island park area possesses close identification with this
history because (1) it is the tract to be transferred from Mexico to the United States in the Chamizal settlement; (2) it is strategically located in El Paso, the focal point of much of this history; and (3) it forms part of proposed developments by both nations that will serve as constant reminders of this history.

The Córdova tract proposed for park development is wholly featureless. As a unit of the National Park System, its attractions would be artificial creations. Development of the area as a historical memorial by the National Park Service would therefore almost necessarily, given the policies and objectives of the Service, center on a "Museum of the International Boundary, United States and Mexico." In it would be interpreted, on a much more ambitious scale than customary in most site museums of the System, the major areas of past and present boundary relations. Although these relations were often inharmonious, the amicable interplay of boundary officials and the culminating good will represented by the Chamizal Treaty provide the potential for developing such a park as a memorial to Mexican-American friendship as well as an illustration of events that, though frequently unpleasant, were nonetheless consequential to the history of both nations. Other features of the park would include appropriate landscaping and some form of dramatic monumentation to symbolize the spirit of international good will to which the Chamizal National Memorial would be principally dedicated.

The following report is a narrative history of the topics that, with certain changes of emphasis and perhaps some additions and deletions, might be interpreted in the Museum of the International Boundary. It is intended to provide the basis for assessing the significance of the history and the feasibility and desirability of interpreting it at a Chamizal National Memorial. That the history of the boundary is a nationally significant phase of America's past is established, it is believed, by this study. The feasibility and suitability of interpreting it as proposed, however, involve many questions in addition to the one of significance. These questions are set forth with recommended answers in a separate report prepared by the Division of National Park System Studies of the Southwest Regional Office.
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ESTABLISHING THE BOUNDARY

At the dawn of the 19th century the youthful United States stood on the banks of the Mississippi River and looked across at foreign territory. Less than half a century later she stood on the shores of the Pacific Ocean. The Louisiana Purchase country came from France in 1803 and the Oregon country from Great Britain in 1846, but about half of this enormous territorial expansion was accomplished at the expense of Mexico.

Throwing off the colonial dominion of Spain in 1821, Mexico found herself with a recently defined boundary on the northeast. By the Adams-Onís Treaty, negotiated between the United States and Spain in 1819 but not ratified by Spain until 1822, a line defined roughly by the Sabine, Red, and Arkansas Rivers separated Mexico from her neighbor (see map). It meant little to the aggressive Anglo-American frontiersmen who swarmed over her northern borderlands—immigrating settlers in Texas, Missouri traders in Santa Fe, fur trappers in the mountains of New Mexico and Sonora, and Yankee sea captains in California. Reeling with repeated political upheavals, the newly independent republic could not withstand the pressures of the expanding northern colossus, whose citizens were wonderfully adept at discovering biblical injunctions and natural laws commanding them to seize what they coveted.
Texas slipped away in the revolution of 1836 and, to compound the injury, entered the American Union in 1845. War came in 1846. It was set off by a dispute over a narrow belt of uninhabited desert on the southern border of Texas, but it afforded the American President, James K. Polk, the opportunity to gain other Mexican possessions deemed essential to the national purpose. The guns of the Mexican War demolished what was left of the Adams-Onis boundary line. A new one remained to be established.

The Treaty of Guadalupe Hidalgo, 1848

As General Winfield Scott's conquering army idled the time in Mexico City during the closing weeks of 1847, President Polk's peace commissioner wrestled with an agonizing dilemma. His summer's failure to win a treaty from Santa Anna, together with subsequent actions that had been unhappily interpreted in Washington, had led the President to strip Nicholas P. Trist of his treaty making powers and order him home. Yet by the time the recall reached Mexico City on November 16, 1847, the situation had changed radically. Santa Anna was no longer in power, and the new leaders represented a shaky peace party that wanted a treaty at once. They knew that the Mexican Nation verged on an anarchy that could only be suppressed by occupation of the whole country by the American army, and that this in turn might well lead to the absorption of all Mexico by its aggressive neighbor to the north. Already, powerful elements in the United States and even among the propertied classes of Mexico
loudly demanded this very thing. Urged on by General Scott, the Mexican authorities, and even the resident British and French diplomats, Trist gambled. Ignoring the recall, he sat down with the Mexican negotiators, and on February 2, 1848, they put their signatures to the Treaty of Guadalupe Hidalgo. Though outraged, President Polk could not repudiate the treaty without paying an unacceptably high political price. With the advice and consent of the Senate, he ratified it on March 16, 1848. Ratifications were exchanged with Mexico on May 30, and the treaty was proclaimed on July 4. The Mexican War, still almost universally regarded as the least honorable in which the United States ever engaged, had ended.¹

By Nicholas Trist's treaty an empire passed from the conquered to the conquering nation, a surrender that the indemnity of $15 million and relief from the claims of American citizens eased but slightly. Mexico had already lost Texas, annexed by joint resolution of the United States Congress in 1845. Now she was forced to recognize the Rio Grande instead of the Nueces as the Texan boundary and to cede New Mexico and Upper California as well. The latter provinces, long the seat of entrenched American commercial interests, had formed President Polk's minimum territorial demand on Mexico,

and by their acquisition (together with the Oregon settlement in 1846) the western limits of the United States leaped over the Rocky Mountains and came to rest on the Pacific.

Once the extent of territorial cessions had been agreed to at Guadalupe Hidalgo, the task of defining the boundaries confronted the treaty negotiators with only slight difficulty. The war had begun in a boundary dispute, and American victory settled that issue. The Rio Grande would divide Texas from Mexico as far north as the Chihuahuan city of El Paso del Norte (now Ciudad Juárez). Trist had tried for both Californias, but the Mexicans would not hear of it and he contented himself with Upper California only; the boundary would follow the established but unsurveyed line separating the two provinces—a line from the coast just south of San Diego to the junction of the Gila and Colorado Rivers.

Tracing a border between the Rio Grande and the Colorado posed a more knotty problem. This stretch of mountain and desert was practically unknown to Americans as well as to Mexicans. But those who knew much about the Trans-Mississippi West surmised that it offered a feasible, perhaps the only feasible, route for a railroad to the Pacific—a project already dear enough to American political and business leaders to make it a factor of consequence at the peace table. As topographical officer with General Stephen Watts Kearny's Army of the West, Lt. William H. Emory passed down the Gila in the autumn of 1846. Back in Washington the following summer, he advised Secretary of State James Buchanan that a railroad could be built
down the Gila Valley. The Secretary in turn based his next dispatch to Trist, then with Scott's army in front of Mexico City, on this judgment. In any treaty he might conclude, Trist was to try to get the Gila Valley by running the border along the 32d parallel. Instead he settled for the Gila River as the boundary. From the headwaters of the Gila it was to run along the line that had divided New Mexico and Chihuahua under Mexican rule to the Rio Grande just north of El Paso. Although never surveyed and marked on the ground, the provincial boundary was shown on the 1847 edition of J. Disturnell's "Map of the United Mexican States," a copy of which the diplomats at Guadalupe Hidalgo made a part of the treaty as evidence of where they intended the line to rest in this area. Trist would have saved both nations much discomfort had he been able to fix the new boundary on the 32d parallel as desired by Buchanan.

The Joint Boundary Commission

The diplomats had established a boundary; it now remained for the surveyors to accomplish the more complicated task of marking it on the ground. The treaty stipulated that a commissioner and a surveyor


representing each nation meet in San Diego within a year after the exchange of ratifications and run the boundary from the Pacific Ocean to the Gulf of Mexico. Their maps and journals defining the boundary were to be regarded as part of the treaty and binding on both countries.

Although the boundary survey got underway at the prescribed time, it was to require eight years of intermittent field work, a diplomatic controversy that drew Mexico and the United States to the brink of another war, and a second major treaty before the line was at last laid down on accurate maps and on the earth's surface. Throughout, though the two nations hurled threats and imprecations at each other, the Mexican and American officials who made up the Joint Boundary Commission got along famously and set an example of understanding, teamwork, and good humor that might well have been emulated in Washington and Mexico City. Among themselves, by contrast, the Americans feuded incessantly. Buffeted by political winds from Washington and consumed with petty quarrels over relative authority and perquisites, the United States section of the commission rocked with internal dissension for four years until finally given a thorough cleansing. Not until then did the survey proceed with efficient dispatch.

Most of the trouble sprang from the mixed character of the American section. The commissioner and surveyor were both politically appointed civilians, as were other lesser functionaries. The Army's elite Corps of Topographical Engineers furnished the
"astronomers" who were to do much of the field work, and the dragoon and infantry escorts came from the line of the Army. The whole operation was placed first under the State Department and then, late in 1849, under the newly created Department of the Interior. With vague lines of authority and overlapping functions, it was an organization that invited conflict between civilian and military personnel.

Before turning over the Presidency to Zachary Taylor early in 1849, Polk appointed Ohioan John B. Weller as United States commissioner and Texan Andrew B. Gray as surveyor. Brevet Major William H. Emory, the able topographical engineer who had alerted Secretary Buchanan to the railway possibilities of the Gila Valley, headed the military contingent as "Chief Astronomer and Commander of the Escort." At San Diego early in July 1849 these men met their Mexican counterparts, General Pedro García Conde, commissioner, and Major José Salazar y Larregui, surveyor. Conde was a former Mexican Secretary of War and Navy, Salazar a distinguished military engineer. Both turned out to be cultured gentlemen and charming companions.

Weller had no sooner reached California in the early summer of 1849 than the new Whig administration in Washington decided that his post belonged to a loyal Whig. The stormy John C. Frémont, lately dropped from the Army after a sensational, highly political court-martial, won the appointment. This angered Major Emory, who had been aligned against Frémont in the events leading to the trial, and he tried unsuccessfully to resign from the commission. The travel time to California, coupled with Frémont's second thoughts
over whether to accept the position after all, gave Weller six months in which to start the survey of the boundary from the coast south of San Diego to the mouth of the Gila River. Here, because of the disruptions caused by the stampede of miners to California's newly discovered gold fields, the commission adjourned to meet in El Paso in November 1850.  

It would be, on the American side, a reconstituted commission. Weller was out, off to Washington as Democratic senator from the new state of California and nursing some well-matured grievances against the Whigs, who had not only displaced him but also ruined him financially by withholding funds appropriated for the commission. Fremont was never in; he pocketed his appointment as boundary commissioner and also headed for Washington as Whig senator from California. Major Emory managed to get off the survey also, though only temporarily as it turned out. Only Gray, the surveyor, retained his post. The new commissioner, John Russell Bartlett, was a scholarly New England book dealer and publisher specializing in travel books. Travel, rather than boundary surveying, was to be his specialty in the Southwest, too. Emory's replacement was an elderly and bibulous army engineer, Lt. Col. John McClellan. At the appointed time Bartlett arrived in El Paso at the head of a

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large and luxuriously equipped entourage that caused him nearly as much trouble as the boundary dispute about to break over his head.\(^5\)

**The Bartlett-Condé Compromise**

The commissioners held their first meetings in El Paso del Norte in December 1850. At once they ran head on into a problem difficult enough to understand, much less to resolve. The surveyors had been making astronomical observations to determine the position of El Paso del Norte, and they discovered that Disturnell's map, which had been annexed to the treaty of Guadalupe Hidalgo as a guide to defining the boundary between the Rio Grande and the head of the Gila, contained some grievous errors of both latitude and longitude. The map showed El Paso del Norte at latitude \(32^\circ 15^\prime\),

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whereas it actually lay 34 miles to the south, at latitude 31° 45'.
To compound the confusion, Disturnell placed the Rio Grande (and of
course El Paso) at longitude 104° 39', 100 miles east of its true
position at 106° 29'. By the map's scale, the southern boundary of
New Mexico, the prospective international boundary, ran westward
from a point on the Rio Grande eight miles north of El Paso.

Two issues thus confronted the commissioners. Should the
initial point of the boundary on the Rio Grande be established
according to the map's scale—8 miles north of El Paso—or according
to its latitude—42 miles north of El Paso? And should the line
run 3 degrees of longitude west of the Rio Grande as it appeared
on the map or as it was actually located on the earth? General
Condé naturally argued that the boundary must be determined by
reference to latitude and longitude as marked out, even though
erroneously, on the map; Bartlett contended that the map's scale,
the only evidence the treaty negotiators could possibly have con­sidered, must control. A compromise was clearly in order, and
Bartlett rose to the occasion. In effect he traded Condé latitude
for longitude. The initial point would be fixed on the Rio Grande
at 32° 22', or 42 miles north of El Paso, and the line would extend
westward 3 degrees, or 175.28 miles, from the river's true longitude.

To make the agreement legal, the commissioner and surveyor of
each nation had to sign. Condé, Salazar, and Bartlett did so, but
Surveyor Gray, detained by illness in Texas, had not yet arrived.
Colonel McClellan had been recalled to save him the embarrassment
of facing Bartlett's charges of drunkenness, and his successor, Lt. Col. James D. Graham, was still en route. Bartlett thus pressed Lt. Amiel W. Whipple, acting for both Gray and Graham, into service as surveyor ad interim to sign the agreement, which he did under protest. In a ceremony sparkling with cordiality, the officials on April 24, 1851, erected the initial monument on the river at 32° 22', and astronomical parties began running the boundary westward.

Bartlett was well pleased with the exchange. Condé, he knew, could never have yielded to the American contention, for in the loss of Texas, New Mexico, and California his countrymen had already suffered a grievous blow to their national pride. Moreover, Bartlett believed that the United States had got the better of the bargain. Except for the fertile Mesilla Valley along the Rio Grande between the initial point and El Paso, the United States had given up nothing but a barren desert and in return had gained mountains that contained the rich Santa Rita copper mines. But there was one consideration that Bartlett minimized—the Pacific railway, which had taken on new importance with the discovery of gold in California in 1848. In 1851 no one dreamed that more than one transcontinental railroad would ever be built. Such expert opinion as could be found, chiefly of army officers who had glimpsed some shadowy outlines of southwestern geography during the Mexican War, supported the Southern contention that the best and maybe the only way to span the continent was to run the rails around the southern end of the Rocky Mountains. Engineering realities happily seemed to
further the political and economic objectives of the South. When Surveyor Gray finally reached commission headquarters at the Santa Rita mines in July, he was appalled to find that the railway route so vigorously championed by his home state of Texas had been bargained away by the commissioner from New England. He refused to sanction the Bartlett-Conde agreement and contended that it had no force without his signature. When Colonel Graham arrived on the scene, he supported Gray and called in Whipple's surveying parties from the compromise line. All work came to a halt.

The Bartlett-Conde compromise set off a storm of controversy in Washington and elsewhere in the nation. The administration supported its commissioner, but expansionist Democrats had no intention of surrendering. In the Southwest new complications set in. Surveyor Gray and Colonel Graham fell to quarreling over rank and authority. The able General Conde, "an amiable and estimable gentleman" in Bartlett's evaluation, took ill and on December 19 died at his home in Arispe, Sonora. And Bartlett himself, while Gray and Whipple worked the Gila, plunged into northern Mexico ostensibly in search of supplies. For the adventure-loving bookman it was a grand junket that lasted a full year and carried him deep into Sonora to Mazatlan, by steamer to San Diego, and, after a tour of California, overland to El Paso.6

6. Although the commissioner's trip accomplished nothing for the boundary survey, historians will ever be grateful for the detailed description he left in his Personal Narrative.
Meanwhile, the Secretary of the Interior had removed Gray from the surveyor's post, and the Army had recalled Colonel Graham. Major Emory found himself once more on the boundary commission, this time as replacement for both Gray and Graham. Reaching El Paso in November 1851, while Bartlett lay ill with fever in Ures, Sonora, the new surveyor-astronomer wrote to an eastern friend: "On my arrival here I found things more complicated than I had expected, a large party, half with Colonel Graham at this place, and the other half with Mr. Bartlett God-knows-where, the whole numbering one hundred and upwards, no money, no credit, subdivided amongst themselves and the bitterest feeling between the different parties. Little or no work has been done, and yet the appropriation is all gone and that of next year anticipated."

Major Emory carried peremptory orders from his appointing authority, the Secretary of the Interior, to sign the Bartlett-Conde agreement and thus stamp it with the legality expansionists denied it because of the absence of Gray's signature. The major had no wish to endorse the agreement, however, for he now perceived that the problem involved more than simply obtaining the Disturnell treaty line instead of the Bartlett-Conde line. As early as 1850, while first on the boundary commission, Emory had concluded that, contrary to his judgment of 1847, a sizable tract of country south of the Gila

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would be required for the railroad. He had unsuccessfully advocated an involved procedure that he thought gave some hope of "torturing the Treaty of Guadalupe Hidalgo to embrace a practicable route." In Emory's opinion, then, neither line would win the United States the corridor it sought, but to authenticate the Bartlett-Conde agreement would settle the issue and close the door to further negotiations. By alienating congressional expansionists, moreover, it might also have an unhappy effect on his career. On the other hand, refusal to obey the order to sign could smash his career at once. Emory came up with a solution to the dilemma that protected his career and at the same time left expansionists free to continue agitation of the issue. In August 1852 he signed the document as ordered, but with the reservation that it implied no more than witnessing an agreement already reached by the two commissioners.9

Harassed by financial troubles, Emory spent most of 1852, in Bartlett's absence, surveying the Rio Grande frontier. The commissioner, arriving in El Paso in August 1852 after his year-long tour of Sonora and California, now decided to take a circuitous

8. Emory's 1850 proposal, dated at San Diego on April 2, is in Emory, Report, 1, 20-21. It is dated 1849 but internal evidence reveals unmistakable that this is an error. His "torturing" explanation was made in 1856 as part of the same Report, 1, 51.

9. See ibid., pp. 19-20, for an explanation of his motives in signing and for the opinion that neither line would secure the route. A synthesis of all the evidence bearing on Emory's position, based on the unpublished Emory Papers as well as the Emory Report, is in Goetzmann, Army Exploration, pp. 183-84, 192-93.
route to the rendezvous with Major Emory. A swing south by way of the capital of Chihuahua and a march across Coahuila brought him at last, in December 1852, to Emory's headquarters at Ringgold Barracks (Eagle Pass), Texas. Here Bartlett found Emory with no money and exhausted credit. Here also he found himself, by action of the United States Congress, out of a job. Led by Senators Rusk of Texas, Mason of Virginia, and the disgruntled former commissioner Weller of California, expansionist Democrats had saddled the commission's appropriation with an amendment prohibiting any part being spent "until it should be made to appear to the President of the United States that the southern boundary of New Mexico had not been established further north of El Paso than is laid down on the Disturnell Map." The President concluded that the money could not be spent, and he ordered the commissioner to discontinue operations. Bartlett retired to Providence, Rhode Island, to write his fascinating travelogue.

Heretofore the disputed territory had been in dispute mainly between Whigs and Democrats within the United States, although the issue cut across party lines where party and sectional interests diverged. The Mexican role was chiefly one of urging her neighbor to get on with implementing an agreement made in good faith by representatives of both nations. With the action of Congress in repudiating the Bartlett-Condé compromise, however, the tract between the Disturnell treaty line and the Bartlett-Condé line became an object of international dispute in the fullest sense. Paradoxically,
it was the narrow band of irrigated farmland in the Mesilla Valley, not the prospective railway route across the adjoining desert, that formed the battleground as the episode now moved from dispute to crisis.

Both Mexicans and Americans lived in the Mesilla Valley. Mexican authorities contended that these settlers desired Mexican rule, the territorial officials of New Mexico that they favored and expected American rule. In 1851, after conclusion of the Bartlett-Condé compromise, Chihuahuan officials took over the west side of the Mesilla Valley as far as the initial point established by the two commissioners and decreed that American citizens could not hold land in the valley. Respecting the Bartlett-Condé line, Governor James S. Calhoun of New Mexico ignored the anguished protests of the Americans thus affected.

Congressional repudiation of the compromise line altered the situation. In March 1853 the new governor, William Carr Lane, issued a provocative proclamation asserting authority over the disputed tract. Chihuahuan Governor Angel Trias responded in kind and moved soldiers into the Mesilla Valley. Only the refusal to cooperate of Col. Edwin V. Sumner, commanding United States troops in New Mexico, restrained Governor Lane from attempting to occupy the valley at once. Then Lane received a letter from the United States Minister in Mexico City cautioning him of the "extreme gravity" of the situation and suggesting that he "gracefully" moderate his attitude,
which he did. David Meriwether soon replaced Lane as governor of New Mexico with instructions to take no action to alter the status quo in the Mesilla Valley.¹⁰

By mid-1853 Mexican-American relations had fallen to the lowest ebb since the war. The two nations confronted each other menacingly in the Mesilla Valley. The boundary dispute seemed irresolvable by means short of war, the boundary survey had been suspended far short of completion, and it was becoming increasingly apparent, as Major Emory had suggested in 1850, that because of topographical factors the disputed territory alone was not enough for the southern railroad. There were other issues, too. The United States had promised in the Treaty of Guadalupe Hidalgo to prevent its Indians from raiding in Mexico. It had signally failed and, with Mexican claims mounting alarmingly, wanted in the worst way to be free of this obligation. Also, a group of Americans pressed their government to force Mexico to make good a land grant on the Isthmus of Tehuantepec which they had obtained from the original British grantees and on which an interoceanic canal or railroad was projected. And finally, the old issue of the claims of American citizens against Mexico had once more assumed a disturbing prominence. To the incoming Democratic administration of Franklin Pierce, who took office in March 1853, a major diplomatic effort to settle these problems seemed clearly in order.

The Gadsden Treaty, 1853

As United States Minister to Mexico, President Pierce appointed James Gadsden, South Carolina railroad executive, champion of the southern rail route to the Pacific, and ardent exponent of a commercial alliance of South and West to check the growing political and economic ascendancy of the North. Gadsden's primary mission was to negotiate a treaty with Mexico that would resolve all outstanding problems. The most urgent and significant of these was the boundary problem. Secretary of State William L. Marcy instructed the Minister to treat for the purchase of the zone south of the Gila needed for a railway route and, while denying the legality of the Bartlett-Condé line, to merge the discussion of the disputed territory with the negotiation for the purchase of additional land. Gadsden was also to deny the validity of Mexican claims for depredations committed by American Indians in Mexico and to secure his country's release from the treaty obligation to prevent such depredations. Finally, he was to effect a settlement of all claims by citizens of one nation against the government of the other.¹¹

¹¹ Garber, Gadsden Treaty, pp. 84-85. This is the standard work on the subject and has been mainly relied upon here. In addition see Rippy, United States and Mexico, chaps. 7 and 8; Rippy, "The Boundary of New Mexico and the Gadsden Treaty," Hispanic-American Historical Review, 4 (1921), 715-42; Rippy, "A Ray of Light on the Gadsden Treaty" [Santa Anna'a account], Southwestern Historical Quarterly, 24 (1920), 235-42; and Frederick A. Coffey, "Some General Aspects of the Gadsden Treaty," New Mexico Historical Review, 8 (1933), 145-64.
Thus when Gadsden departed for Mexico City in mid-summer 1853, the major aim of his mission was to obtain enough land for a railway south of the Gila River. By autumn this objective had been considerably enlarged. In Mexico the American diplomat found President Santa Anna's regime bankrupt and on the verge of overthrow by revolutionary forces. Only money could stave off collapse, and even then only if swiftly forthcoming. Gadsden wrote home that money and not territory would be the controlling factor in the negotiations. President Pierce promptly dispatched a special emissary, Christopher Ward, to Mexico City with new instructions authorizing Gadsden to try for much more territory than originally contemplated. There were five proposals, each based on a natural and easily defended frontier. The most ambitious, for which Gadsden could offer up to $50 million, would annex all Lower California and large parts of Sonora, Chihuahua, and Coahuila and, by running the boundary along the almost impassable rampart of the Sierra Madre, would supposedly reduce border frictions to manageable proportions. The least ambitious, a final resort only after the other four were rejected, offered $15 million for a boundary on the 32d parallel, which would give the United States nothing more than its coveted railway route.

Gadsden had somewhat overstated Santa Anna's readiness to part with his nation's soil. The staggering territorial loss in the Mexican War had made the Mexican people extremely sensitive to any suggestion of further loss, no matter how small or for what compensation, and Santa Anna knew that he courted revolt by considering
even the minimum American proposal. Nevertheless, such was the compelling need of money, he agreed to negotiate on the basis of the fifth proposal—that asking only sufficient territory for a railroad.

Santa Anna later declared with considerable truth that an empty treasury and impotent military establishment left him no choice but to sell or involve his country in another war that could only sacrifice Mexico's nationhood. According to the Mexican President, Gadsden said the railway was vital to the United States and "he would be pleased if Mexico would cede peaceably and for a good indemnity that which possibly did belong to her; for in the end that imperious necessity would compel them to occupy it in one way or another."12 Despite Santa Anna's notorious unreliability, it is indeed probably that Gadsden presented the issue in terms of sell or be dispossessed. Santa Anna sold. The "Treaty of Boundary and Cession of Territory" was signed at the American Legation in Mexico City on December 30, 1853.

Docking at New Orleans early in January 1854, the United States envoy proudly declared to the customs officer: "Sir, I am General Gadsden. There is nothing in my trunk but my treaty."13 Although this was not strictly true—Christopher Ward was carrying the treaty to Washington—Gadsden had indeed negotiated an important accord. It gained the 32d parallel railroad route by describing a


new boundary that gave the United States the disputed territory as well as a broad belt of land adjoining it on the west. It secured release from the vexatious commitment to restrain hostile Indians from raiding into Mexico. It adjusted the claims question, including the vigorously advanced claims of the Tehuantepec grantees. And it reaffirmed the expressions of amity enunciated in the Treaty of Guadalupe Hidalgo. For all these concessions, the United States was to pay Mexico $15 million and assume up to $5 million of the private claims of its citizens against Mexico. Favorable to American interests though it was, however, the Gadsden Treaty still had to run the gantlet of the United States Senate.

The senators gave it rough treatment, nearly killed it, and finally agreed to a much mutilated version. The treaty went to Capitol Hill in the midst of the passionate debate over the Kansas-Nebraska Bill, which reopened all the old sectional wounds that moderates thought had been closed by the Compromise of 1850. Northern senators saw in the Gadsden Treaty one more piece of a Southern conspiracy to gain additional territory into which slavery might expand. Other senators opposed the treaty because it did not annex even more territory, particularly enough to gain the United States a port on the Gulf of California. Still others, champions of more northerly transcontinental rail routes, viewed it as raising a serious threat to such routes. And finally, a powerful bloc of senators representing the Tehuantepec grantees would accept no treaty that did not specifically underwrite the claims of the grantees.
The treaty did, but it came to the Senate with the Executive's recommendation that the recognition be struck out. The revised terms of reference relayed to Gadsden the previous October had said nothing about injecting this matter into the negotiations. To promote secrecy, however, the new instructions had been memorized by the courier, Christopher Ward, and conveyed orally to Gadsden. Ward, it turned out, was financially interested in the Tehuantepec grant, and to Gadsden he represented the President as desiring the claims recognized in the treaty. Gadsden successfully inserted the recognition. President Pierce was furious, and only the persuasion of Senator Rusk, the southern railway champion from Texas, induced him to send the document to the Senate at all. Though of no consequence to the national interest, the Tehuantepec issue played a vital, perhaps even decisive, role in the ultimate fate of the treaty.

Most of the debate centered on the proposed boundary. Since the extreme antislavery senators planned to vote against the acquisition in any form, the debate featured mainly those who were content with only a railroad route against those who favored still more territory. Amendments to augment the cession were voted down, however, and Senator Rusk at last defined a line that, with a slight modification by Mason of Virginia, was accepted: west 100 miles from an initial point on the Rio Grande at 31° 47', then south to

14. The debates are detailed in Garber, chap. 5; Rippy, United States and Mexico, chap. 8; and Coffey, "Some General Aspects of the Gadsden Treaty," pp. 159-62.
parallel 31° 20', then west on this parallel to its intersection with the 111th meridian, then in a direct line to the Colorado River 20 miles below its confluence with the Gila, then up the Colorado to the established boundary and west on it to the Pacific. That the amendment reduced the cession as defined in the treaty by 9,000 square miles reveals that most of its promoters were concerned primarily with securing a railway route and were willing to placate the antislavery wing to the maximum extent consistent with this objective. The curious southward turn of the line in what is now southwestern New Mexico reflects Senator Rusk's assessment that the territory thus encompassed was necessary for a railroad. The territory to be ceded thus reduced, the senators then also cut down the compensation—from $15 million plus $5 million in private claims to $10 million with no mention made of claims.

By striking out all reference to private claims, the Senate of course dropped the specific recognition of the Tehuantepec claimants. Thus when the amended treaty came to a vote on April 17, 1854, after more than a month of bitter debate, it went down to defeat by a count of 27 to 18. Its champions now inserted provisions favorable to the Tehuantepec grantees and won over their senatorial friends. By another vote on April 25, the Senate advised and consented to the ratification of the Gadsden Treaty as amended. Although the implementing appropriation encountered fierce resistance in the House of Representatives, where Thomas Hart Benton of Missouri
tried desperately to destroy this challenge to his own pet central rail route, ratifications were exchanged in Washington on June 30 and the treaty proclaimed the same day.

A curious epilogue ended the diplomatic phase of the Gadsden Purchase. The House voted the appropriation, and on June 30, the day the treaty was proclaimed, Mexico received $7 million as a first installment of the payment. The remaining $3 million was to be paid upon completion of the boundary survey. But Santa Anna's corrupt regime went through the $7 million in three months and demanded the additional $3 million at once. When the United States refused, Mexico resurrected the old issue of the Mesilla Valley. Although the boundary had not been run, no one questioned that the valley lay in the cession. To give it at last a stable government, Governor Meriwether moved to extend the authority of the Territory of New Mexico over it. Federal troops crossed into the valley, and on November 16, 1854, the United States flag rose ceremoniously over the plaza of Mesilla. Mexico protested that this action in advance of the boundary survey fully warranted her insistence upon the entire payment in advance of the survey. The State Department declined to take the matter seriously, but suffered through repeated demands until the boundary survey was at last completed in 1856. By then Santa Anna had been overthrown by Benito Juárez, and the $3 million went to the successor regime.16

The Gadsden Purchase rounded out the continental boundaries of the United States and gained a land that eventually proved rich in minerals and agricultural potential. It also won Southerners their long-sought railway route. To settle the persistent controversy over the best way across the continent, Congress in 1853 authorized the Army's Topographical Engineers to examine all the proposed routes. Lt. John G. Parke explored the Gadsden Purchase in 1854 and again in 1855 and reported that it did indeed offer all the advantages claimed by its supporters. But the Pacific Railway Surveys disclosed that several other routes were also feasible, and anyway the real issues were political and economic, not engineering. The Civil War resolved these issues in favor of the North. Congress sanctioned the Pacific Railway in 1862, in the midst of the war, and the southern route of course was not even considered. But the first transcontinental stagecoach service, inaugurated in 1858 by the Butterfield Company, followed Lieutenant Parke's survey across the Gadsden Purchase, and completion of the Southern Pacific Railroad in 1880 along the line recommended by Parke at long last realized the dreams of those prewar expansionists who had insisted upon a new boundary for the Southwest. General Gadsden's treaty had turned out to be quite a valuable trunkfull.

17. Parke's first report is in Pacific Railroad Reports, vol. 2; his second in ibid., vol. 8, part 2; his map, tracing the routes of both surveys, in ibid., vol. 2.
part II

MARKING THE BOUNDARY

The actual survey of the Mexican-American boundary was an accomplishment of great significance to both nations. It fixed, presumably for all time, the international boundary. Of perhaps even greater significance, it filled in the physical and natural outlines of the newly won Southwest. It gave cartographers for the first time accurate and detailed maps of the Southwest. It gave the maturing American scientific community informative texts and professional illustrations illuminating the topography, geology, botany, zoology, and ethnology of the Southwest. In short, it made an unknown country known in all its features. With the Mexican War reconnaissances, the Pacific Railway Surveys, the wagon road program, and other official and private explorations of the 1850s, the Mexican Boundary Survey provided the nation with the knowledge it needed to move west intelligently and knowingly.

The boundary survey, moreover, was an adventure in the best frontier tradition. The surveyors had to make laborious observations and computations under conditions of climate and terrain adverse to man, beast, and the fragile instruments of the profession. They had to penetrate deserts, mountains, and canyons that other travelers could avoid. They had to find water in an often waterless land. They had to supply themselves by wagon or mule from distant bases over long stretches of difficult country. They had
to keep always alert for hostile Indians and be prepared at all times to fight them. This and more they did, and their adventures form some of the most dramatic episodes in the history of the American West.

The boundary survey was a monument to many men of both Mexico and the United States—to military and civilian engineers; to the assistants who did their leg work; to geologists, botanists, zoologists, and artists who revealed a strange new world to the people back home; to political spoilsmein who measured up to the task and to those who did not; and to the officers and soldiers of the military escorts who guarded against hostile Indians and performed a variety of supporting functions. But most of all the boundary survey was a monument to two skilled and dedicated engineers who first met in 1849 for the survey of the southern boundary of California, who cooperated on the survey of the river frontier, who together ran the Gadsden Purchase line, and who finally parted, the job finished, eight years later. Both often lacked the necessary support of their respective governments, and both often contended with political forces that had no proper place in such an undertaking, but both persevered and ultimately triumphed. Because of Maj. William Hemsley Emory and Maj. José Salazar y Larregui, the international boundary was laid down on the map and on the ground.
The Southern Boundary of California, 1849-51

Awarding Upper California to the United States, the Treaty of Guadalupe Hidalgo specified that, "in order to preclude all difficulty of tracing on the ground the limit separating Upper from Lower California, it is agreed that the said limit shall consist of a straight line drawn from the middle of the Rio Gila, where it unites with the Colorado, to a point on the coast of the Pacific Ocean, distant one marine league due south of the southernmost point of the port of San Diego." Marking this 148-mile segment of the new international boundary was the first task the treaty set for the recently appointed commissioners, Weller and Conde.

As already indicated (p. 7), the Joint Boundary Commission organized in San Diego early in July 1849. The United States section numbered 39 men, both civilian and military, and an escort of 105 soldiers. The Mexican engineers were fewer and less elaborately equipped, but boasted an escort of 150 veteran Indian fighters from Sonora. Political and financial harassments immediately beset the commission, as the new Whig administration in Washington withheld funds and set about displacing Commissioner Weller. In addition, the first wave of the great California gold rush rolled over the Sierra Nevada in this year. All but four or five of the civilian laborers attached to the survey deserted to the mines, and the bankrupt commission could not begin to keep up with the soaring cost of food and other supplies produced by the boom.
The actual prosecution of the survey fell to the "Chief Astronomer and Commander of the Escort," Major Emory. His military position enabled him to employ soldiers in place of the vanished civilian laborers and to requisition stores for their support from the army post at San Diego. Weller was absent most of the time trying to raise money, and the other principal civilian member of the American contingent, Surveyor Gray, did not accomplish much. The Mexicans could make little positive contribution either. Although "well-educated and scientific men" in Emory's judgment, they brought instruments that proved wholly unreliable, and they confined themselves, after checking the observations and calculations of the Americans, to certifying the conclusions as correct and acceptable to Mexico. In Emory both commissioners recognized a man of superior scientific attainments, and they bowed readily to his advice. For these reasons the survey of the southern boundary of California turned out to be almost exclusively a United States Army operation.  

Aside from the burdens imposed by politics in Washington and conditions in California, the surveyors faced topographical

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1. For this phase of the survey, see Lewis B. Lesley, "The International Boundary Survey from San Diego to the Gila River, 1849-1850," California Historical Society Quarterly, 9 (1930), 3-15; Goetzmann, Army Exploration, pp. 157-67; Wheat, Mapping the Transmississippi West, 2, 210-17; Emory, Report, 1, 1-22, 144-66; and José Salazar y Larregui, Datos de los Trabajos Astronomicos y Topograficos, dispuestos en Forma en Diario. Practicados durante el año de 1849 y principios de 1850 por la Comision de Limites Mexicanas en la linea que divide esta Republica de la de los Estados Unidos (Mexico, 1850) [Wagner-Camp 190].
obstacles that proved nearly insurmountable. The boundary fell across a country half mountain and half desert. The mountains rose steeply from the coast to an elevation of 5,000 to 6,000 feet, then rolled eastward for 30 miles in a succession of parallel ridges cut by deep canyons. Abruptly the desert took over, with sterile shifting sands, devoid of vegetation, stretching from the eastern flank of the mountains to the Colorado.\(^2\) It was a surveyor's nightmare.

To maintain field parties in this rough, waterless, sun-baked terrain for the time necessary to make the complicated observations and computations of a boundary survey was an assignment that taxed the resources of Americans and Mexicans alike.

The procedure was to determine the precise latitude and longitude of each of the initial points and run an astronomical line between them. In July Major Emory established Camp Riley south of San Diego, set up his instruments, and began the tedious observation of moon and stars necessary to reach an accurate determination of latitude and longitude. Lt. Amiel W. Whipple, delayed by supply difficulties, left in September to lead a party cross-country to the Colorado and establish the other terminal point. Setting up an observatory atop an eminence he named "Capitol Hill" near the mouth of the Gila, he too began the nightly labor of recording astronomical readings. A third party, under Brevet Captain Edmund L. F. Hardcastle and assisted at times by Surveyor Gray, explored

\(^2\) This desert has since been transformed by irrigation into the Imperial Valley garden spot.
the mountains behind San Diego. Emory hoped to hasten the running of
the boundary line by means of "flashes"—gunpowder explosions—
observed at night through surveying instruments, and Hardcastle's
mission was to discover if the topography lay in proper arrangement
to make this method feasible.

Although the observations at Camp Riley continued from late
July well into November, Emory and the Mexican surveyor, Maj. José
Salazar y Larregui, agreed to the location of the initial point on
the Pacific in mid-October 1849. The treaty placed it one marine
league south of the southern tip of San Diego Bay, but there was no
accepted standard for a marine league. After some debate, an
arbitrary measurement of 5,564 meters (3-1/7 miles) was reached and
the distance measured on the ground. The latitude and longitude
of the spot were then determined by trigonometric triangulation
from the known position of nearby Camp Riley. The initial point
of the boundary was now laid down on the ground and on the map.

At the other end of the line, Lieutenant Whipple, whose
operations had been impeded by swarms of destitute gold seekers
arriving at Yuma Crossing in dire need of succor and also by orders
to reconnoiter the vicinity for a suitable place to build a fort,
completed his calculations early in November. Major Salazar came
over to confirm the findings on behalf of Mexico, and together they
computed the latitude and longitude of the junction of the Gila
and Colorado Rivers by direct measurement from the determined
position of the observatory on "Capitol Hill."\(^3\)

It now remained to connect the two known points by the azimuth of a straight line on the earth's surface and to place boundary monuments along it. Emory's hope that this might be accomplished by the speedy and accurate flash system dissolved as Captain Hardcastle's explorations disclosed that the topography was not favorable. In December, moreover, Weller at last received official notice of his discharge from the commission. Early in 1850 he and Condé agreed that, because of "the present condition of California," the survey should be discontinued at the Colorado and resumed in November at El Paso. Emory, now officially acting in Weller's place pending the arrival of another commissioner, had no more success in getting money than Weller, and in the late spring of 1850 he departed for Washington to join the issue. Here he found funds already on the way, but here, too, the Bureau of Topographical Engineers terminated his detail to the boundary survey.

Before leaving California, Emory had dispatched part of the survey contingent under Lieutenant Whipple on a journey by way of Panama and New Orleans to El Paso, where he was to meet General Condé and the new American commissioner in November. The remainder he left in California under Captain Hardcastle, who with Francisco Jiménez and a Mexican group was charged with completing the boundary

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3. Mexican and American maps reflecting the work around Camp Riley and "Capitol Hill" are reproduced in Wheat, 2, opposite 207, 214, 215.
determination and constructing monuments to mark it. With funds now forthcoming from Washington, Hardcastle and Jiménez prosecuted the work expeditiously and accurately. Two parties worked toward each other from the extremities of the line. When their surveys finally met in September 1851, they were only 100 feet apart—a tribute to the ability and dedication of engineers working with delicate instruments under unfavorable conditions of climate and terrain.

The Rio Grande Frontier, 1852-53

The reorganized Joint Boundary Commission that met at El Paso in November 1850, with John Russell Bartlett now holding the appointment of United States commissioner, was immediately paralyzed by the furor touched off by his compromise with General Condé (pp. 9-17). Only a political decision could free the survey to proceed with the boundary from the Rio Grande to the Colorado, and this was not forthcoming until the spring of 1854, when Mexico and the United States ratified the Gadsden Treaty. In the meantime the only segment of the frontier upon which field parties could constructively operate lay on the Rio Grande between its mouth and El Paso. This work fell to Major Emory, reassigned to the survey in September 1851.

The major reached El Paso on November 25, 1851. With Bartlett absent on the Mexican adventure, which still had nine months to run, there was no money. The commission had spent half a million dollars and accomplished nothing more than some preliminary work on the compromise line and on the Gila. It was, worse yet, organized "on a
scale preposterous in magnitude and absurd in principle . . .

oppressed with a multitude of officers, quartermasters, commissaries, 
paymasters, agents, secretaries, sub-secretaries—all officers wholly 
unknown to any well regulated surveying corps."4 Emory reduced it 
to a semblance of order, equipped three field parties on credit, and 
turned to the Rio Grande below El Paso.

On its face the task seemed simple enough. According to the 
Treaty of Guadalupe Hidalgo, the boundary would begin in the Gulf 
of Mexico three leagues from the mouth of the Rio Grande and follow 
the deepest channel of the river up to the point where it struck the 
southern boundary of New Mexico north of El Paso. All that needed 
done was to trace the deepest channel accurately on a series of maps. 
On its lower reaches the river presented no problem, but between El 
Paso and Laredo it made its way through virtually unexplored country 
that proved far more difficult than anything encountered earlier in 
California.

Beginning about 90 miles below El Paso, the Rio Grande enters 
the first of a chain of canyons extending with few interruptions 
nearly to Laredo. This made it difficult and in places impossible 
to conduct the survey by following the course of the river. Emory 
therefore selected several places on the river that could be reached 
by wagon to serve as astronomical observatories and supply depots. 
At each observatory Emory himself made the astronomical readings and

4. Emory, Report, 1, 11.
computed the latitude and longitude. His field parties, under the direction of assistants, then connected these points by lineal survey.

Four of the primary stations were located in the neighborhood of El Paso, where an American town of the same name was now taking root across the river from the two-century-old Mexican town. The most important was at a place called Frontera eight miles north of town near the initial point of the Disturnell Treaty line. The others were near the cathedral in the plaza of El Paso del Norte, at San Elizario farther downstream, and at the entrance to the first canyon below the valley. All the points were determined by lunar observations as well as by the "beautiful and accurate mode" of "flashes of gunpowder simultaneously observed." Aided by Major Salazar, Mexican commissioner since the death of General Condé in December, Emory passed the first six months of 1852 determining the latitude and longitude of the stations in the El Paso Valley.5

From El Paso Emory moved in July 1852 to the Mexican town of Presidio del Norte, at the confluence of the Rio Grande and the Conchos, and set up his instruments. Two field parties had been concentrated to survey the river above and below the astronomical station. Discontent over the mounting arrearage in their pay pushed the men to the brink of mutiny, "and on one occasion," wrote the major, "I was obliged to put down a riot in my camp, single-handed, and at the risk of being shot by an insubordinate fellow, insane

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5. Ibid., pp. 12, 140-42, 193.
from the effects of the intoxicating mezcal." Happily, a courier dispatched to intercept the San Antonio-El Paso mail brought back an order from the Secretary of the Interior authorizing Emory to draw funds against the Department. In another stroke of good fortune, a freight train passing through Presidio del Norte en route from Chihuahua to San Antonio carried $5,000 in specie which the proprietor exchanged for the government draft. Emory paid off his men and discharged the trouble makers.

On August 1 Major Salazar rode into Presidio del Norte and pressed Emory to join in signing all the maps of the river boundary that had so far been drawn. That this was a loaded request Emory fully appreciated, for among the maps was the one depicting the initial point of the Bartlett-Condé compromise line. It needed only the American surveyor’s signature to bind his government firmly to the compromise. Salazar probably knew or suspected that Emory carried explicit orders to authenticate the map, an action he very much wished to avoid. As we have seen (p. 14), Emory did sign, but only as witness to an agreement already reached by Bartlett and Condé. And he must have struggled to bring himself even to this, for not until August 28, nearly a month after Salazar’s arrival, did the signing take place.

Salazar was even more inadequately financed and equipped than Emory and wholly unprepared to match the pace set by the American

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6. Ibid., p. 12.
7. Ibid., p. 19.
team. Emory thus pushed on with the survey independently of Salazar. At the close of August he moved on to the next primary station, Fort Duncan at Eagle Pass, and set up his instruments to determine latitude and longitude. The field parties remained at Presidio del Norte. Maurice von Hippel supervised the work above Presidio, M. T. W. Chandler, son of a Whig congressman, the work below Presidio. The latter got himself into some of the most hostile country in the American West.

Below Presidio the Rio Grande describes a great arc that embraces a wild jumble of mountain and desert not partly contained in Big Bend National Park. In three places the river flows through gigantic canyons with sheer rock walls rising directly from the water's edge. Simply to stay alive in this desolate country, infested with Comanches and Apaches traveling the plunder trails to Mexico, taxed all the resources of mule-mounted explorers. To survey it in addition proved next to impossible.

The Chandler party had to detour entirely around Santa Elena Canyon on the Mexican side, approaching it only at one or two points and looking down at the river from the canyon rim. Below Santa Elena they made their way slowly down the river as it meandered through a broad valley toward Mariscal Canyon. Across the river, on the American side, the Chisos Mountains loomed as a landmark for several days. A peak towering above all others afforded a point on which the surveyors repeatedly aligned their instruments. Chandler named it Mount Emory, and so it is still
known. While part of the group detoured with the pack train, Chandler took the rest in crude rubber boats down Mariscal Canyon. Rapids wrecked one, and here as in the other canyons he had to content himself with carrying the line no closer than the bordering heights. Beyond Mariscal lay the ruins of the old Spanish presidio of San Vicente, and beyond them still another gorge—Boquillas Canyon. The party had almost reached the limit of endurance, and no relief seemed in sight.

There is no verdure to soften the bare and rugged view [wrote Chandler]; no overhanging trees or green bushes to vary the scene from one of perfect desolation. Rocks are here piled one above another, over which it was with the greatest labor that we could work our way. The long detours necessarily made to gain but a short distance for the pack-train on the river were rapidly exhausting the strength of the animals, and the spirit of the whole party began to flag. The loss of the boats, with provisions and clothing, had reduced the men to the shortest rations, and their scanty wardrobes scarcely afforded enough covering for decency. The sharp rocks of the mountains had cut the shoes from their feet, and blood, in many instances, marked their progress through the day's work. Beyond the Sierra Carmel the river seemed to pass through an almost interminable succession of mountains; cañon succeeded cañon; the valleys, which alone had afforded some slight chances for rest and refreshment, had become so narrow and devoid of vegetation that it was quite a task to find grass sufficient for the mules.

At the entrance of Boquillas Canyon Chandler called off the survey. The party circled south of the Sierra Carmen through Coahuila and late in November arrived, in destitute condition, at Fort Duncan (Eagle Pass), where Emory was busily engaged in computing latitude and longitude.8

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8. Chandler's report, Fort Duncan, Dec. 1, 1852, in ibid., pp. 80-85. Santa Elena, Mariscal, and Boquillas are modern names for these canyons. Chandler, repeating the names by which they were then known by local Mexicans, called them, respectively, Cañon Bofecillos, San Carlos Cañon, and "Cañon below Sierra de Carmel." Chandler's Sierra de Carmel, extending deep into Mexico, are known today on the American side as Sierra del Carmen and on the Mexican side as Sierra Encantada.
In December 1852, shortly after Bartlett finally met up with Emory at Ringgold Barracks (Rio Grande City), the boundary commission was disbanded as a result of the congressional prohibition of further spending until the Bartlett-Condé compromise should be disavowed (p. 15). Emory repaired at once to Washington, where he found that Congress had relented to the extent of authorizing the completion of the river survey below the disputed territory. Another commissioner, Robert B. Campbell, replaced Bartlett, but again Emory actually planned and supervised the operation. Work resumed in March 1853.

While Emory himself made the observations at the remaining primary stations—Ringgold Barracks and the mouth of the Rio Grande—and oversaw the routine operation in the lower valley, Lt. Nathaniel Michler finished the survey abandoned by Chandler the previous November at San Vicente. His adventures in the canyon country proved equally exciting. While part of the group managed the mule train, the rest sped down the river in boats. On the first day out from San Vicente, in Boquillas Canyon, Michler proved himself no better navigator than Chandler:

After having descended the river for a few miles an immense rapid presented itself to our view. The river here narrowed from nearly three hundred feet to the width of twenty-five; both shores could be touched with the ends of the oars; an immense boulder divided the main into two smaller channels, leaving but a narrow chute for the boats to descend. The bottom was covered with large rocks, and over these the whole mass of water rushed, foaming and tumbling in a furious manner; a dangerous rapid was thus formed of several hundred feet in length, extending from bank to bank. The two skiffs made the descent in safety, although the waves rolled
so high that each plunge filled them almost to overflowing. The flatboat was not so fortunate; totally unmanageable, she ran square against the rocky walls, splintering and tearing away her entire front; such was the force of the blow that the crew were knocked flat on their backs, and the boat-hooks left firmly imbedded in the crevices of the rocks. Thrown back by the great swell, she commenced floating stern foremost down the rapid, gradually sinking. The men stuck to her faithfully, and the skiffs were put into immediate requisition; but by the expert swimming of two of the men, both Mexicans, who had dashed into the current ere the sound of the crash had died away, and seized her lines, she was landed on the end of a sand-bar which most providentially lay at the foot of the rapid; a few feet further, both men and boat would have been destroyed, and our all—provisions and ammunition—irrecoverably lost, the perpendicular banks offering no foothold where to land. With means at hand to repair the wreck, we were again afloat the following day, our craft bereft of all her fair proportions.\(^9\)

By December 1853 the Rio Grande boundary had been explored and mapped from El Paso to the Gulf of Mexico and, by courtesy of the U.S. Coast and Geodetic Survey, carried three leagues to sea as required by the treaty. Major credit for the accomplishment obviously rested with William H. Emory, whose drive and ability had pushed the work to completion. The Washington politicians had at last learned a lesson. Only six months later, when the Gadsden Purchase Treaty after three years of dispute defined a boundary from the Rio Grande to the Colorado, they logically turned to Major Emory. This time he had no politically appointed superior to complicate the task, for in him alone President Pierce lodged the three posts of commissioner, surveyor, and chief astronomer. On the Mexican side, his old friend Major Salazar was given a similar inclusive appointment, and together the two engineers efficiently and expeditiously filled in the final gap in the international boundary.

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The Gadsden Purchase Line, 1854-56

The Gadsden Treaty defined the new boundary precisely, with nothing left to later interpretation, and thus insured against a repetition of contention such as had confused the marking of the boundary under the Treaty of Guadalupe Hidalgo. Beginning on the Rio Grande at parallel 31° 47', the line would run due west for 100 miles, then turn south to parallel 31° 20', then west again to the intersection of this parallel with the 111th meridian, then in a straight line to a point on the Colorado River 20 miles south of its confluence with the Gila, and finally up the middle of the Colorado to the intersection with the line already established between the Colorado and the Pacific (see map). Full power was invested in the two boundary commissioners, whose determination of the line would be "considered decisive and an integral part of this treaty, without necessity of ulterior ratification or approval, and without room for interpretation by either of the parties contracting." 10

Emory planned to work from both ends of the line toward the center. One party, under Lieutenant Michler, sailed for San Diego by way of Panama, then marched overland to Fort Yuma at the mouth of the Gila, arriving on December 9, 1854. The other, under Emory's personal direction, sailed to Indianola and made its way across Texas to El Paso, where Emory and Salazar met early in December 1854.

10. The treaty is printed in Malloy, Treaties, 1, 1121-25.
Michler's group numbered 4 officers, 20 hired men, and an escort of 60 soldiers; Emory's 3 officers, 70 men, and 60 soldiers.  

North of El Paso the Mexican and American groups promptly set up astronomical stations on the Rio Grande and during the next month made lunar observations to determine the point where parallel $31^\circ 47'$ struck the Rio Grande. This was accomplished by early January 1855. On the 31st the military and civil officials of the two commissions gathered at the initial point and signed a paper, one copy in English and the other in Spanish: "We, the undersigned, have this day assembled to witness the laying of the foundation of the monument which is to mark the initial point of the boundary between the United States and the Republic of Mexico, on the part of the United States by William Hemsley Emory, and on the part of the Republic of Mexico by José Salazar y Larregui, latitude $31^\circ 47'$." The documents were sealed in a bottle and sunk in the earth to a depth of five feet. Over the spot a stone mason began constructing the initial monument of the Gadsden Treaty line.

Between the initial point and the 111th meridian at Nogales, Emory's party ran the boundary without benefit of Salazar's participation. The revolutionary turmoil in Mexico that unseated Santa Anna later in 1855 caught the Mexican commissioner in a suspected identification with the discredited dictator. A brief time in prison purged

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11. For the marking of the Gadsden Purchase line, see the journal of the Joint Commission in Emory, Report, 1, 26-38; and Lieutenant Michler's report, Washington, July 29, 1856, in ibid., pp. 103-25.
him of suspicion, however, and he returned to his duties in August. In his "unavoidable absence," as the commission journal delicately phrased it, Salazar had agreed to endorse the line as marked by Emory, for Mexico was anxious to complete the work in order to draw the final payment of $3 million.

The only difficulty the surveyors encountered on this portion of the boundary stemmed from the scarcity of water. This made it necessary to establish the primary astronomical stations at springs or water holes that were not always convenient to the line, and then to transfer the readings to the line by direct measurement or triangulation. These stations were in the Carrizalillo Hills west of present Columbus, New Mexico; at El Espía on the Rio Casas Grandes in Chihuahua; at San Luis Spring east of present Cloverdale, New Mexico; at San Bernardino Spring, Arizona; at Santa Cruz, Sonora; and finally at the spring where Nogales, Arizona-Sonora, later rose. By June 1855 the line had been completed and monuments erected as far as the 111th meridian near Los Nogales.

Lieutenant Michler's survey of the boundary from the Colorado River to the 111th meridian proved less routine. Arriving at Fort Yuma in December 1854, he found that the journey from New York, and particularly the rough march from San Diego, had badly deranged the surveying instruments. After repairing them as well as available means permitted, he passed the first two months of 1855 surveying

the river from Fort Yuma southward. The timbered bottomlands made it impossible to work in the valley, so the line was carried along the bordering benchlands to the vicinity of the initial point 20 miles downstream, then brought to the river bank by hacking a line of sight through the trees. Numerous dust storms slowed the work by making the use of instruments impossible for days at a time. The lieutenant also found time during these months to make copious notes on the appearance and customs of the Yuma Indians and to pass many pleasant hours in the society of the post commander at Fort Yuma, Maj. George H. Thomas.

Michler's troubles had only begun. On March 4, 1855, he established an observatory atop a low knoll near the initial point on the river and began to take readings for latitude and longitude. "Our lucky stars did not, however, prove to be in the ascendancy," he wrote; "first, clouds obscured them, and then the rising waters of the Colorado did not leave us long undisturbed." Heavy rains far up the Gila sent an increasing volume of water down the Colorado, and each day the river's edge advanced closer to the observatory. At last, on March 19, the instruments had to be moved back 500 yards. And on the 20th, according to Michler's diary:

Compelled again to move the instruments and carry them up to camp; every slough is filled, all rapidly rising, and several swimming deep; rafts built to transport the men over them; all the men in water up to their breasts, and instruments only kept dry by being carried on their heads. About noon all safely in camp; water within fifty feet of it, and everybody getting ready to leave. At sunset the river still continues rising, and gradually approaches camp, but so slowly that we are still in doubt. At 2 o'clock a.m., decided to
take to the sand-hills; the long roll was beaten, the camp struck, the train loaded, and all moved on the high plain. Behind us lay a desert of sand forty miles across, and in front was spread a sheet of water several miles in breadth. From fifteen hundred feet the Colorado had widened to at least five miles.\(^{13}\)

Almost immediately the river began to subside, but not until April 1 had the valley dried out enough for the surveyors to venture back to their observatory. In the meantime the Mexican party designated by Salazar to work with Michler arrived belatedly in charge of Don Francisco Jiménez, the engineer who had cooperated with Captain Hardcastle in marking the southern boundary of California four years earlier. Jiménez accepted the computations already made by Michler, and by April 10 the two had completed the determination of the latitude and longitude of the initial point. An initial monument was erected on the azimuth of the boundary about three-fourths of a mile east of the river and preparations made to project the line toward the 111th meridian.

This final segment of the boundary lay across some of the most desolate country in North America. Only one spring could be counted upon—that at Quitobaquito in present Organ Pipe Cactus National Monument, about midway on the 240-mile line. The other water was collected during rain storms by the natural rock tanks known as "tinajas," and this could not be depended upon. For about 25 miles east of the Colorado the line traversed the shifting white sands of the Yuma Desert, then entered a wild plain studded occasionally with

\(^{13}\) Emory, Report, 1, 113.
jagged mountains. When he finally crossed it some months later, Michler found it "the most dreary and tiresome I have ever experienced":

Imagination cannot picture a more dreary, sterile country, and we named it the "Mal Pais" [bad country]. The burnt lime-like appearance of the soil is ever before you; the very stones look like the scoriae of a furnace; there is no grass, and but a sickly vegetation, more unpleasant to sight than the barren earth itself; scarce an animal to be seen--not even the wolf or the hare to attract the attention, and, save the lizard and the horned frog, naught to give life and animation to this region. The eye may watch in vain for the flight of a bird; to add to all is the knowledge that there is not one drop of water to be depended upon from Sonoyta to the Colorado or Gila. All traces of the road are sometimes erased by the high winds sweeping the unstable soil before them, but death has strewn a continuous line of bleached bones and withered carcases of horses and cattle, as monuments to mark the way.14

With summer coming on, mosquitos swarmed in the Colorado Valley, and the Mexican and American surveyors hastily pushed out into the desert. Mules labored to exhaustion trying to pull the heavily laden wagons through the loose sand, and the advance slowed almost to a halt. Then reconnoitering parties brought back word that the tinajas did not contain enough water to support the effort. Reluctantly Michler and Jiménez suspended operations and journeyed by way of the Gila and Tucson to Los Nogales, where they met Emory late in June.

By this time the Sonoran rainy season was at hand, and the tinajas could be expected to supply water enough for field parties. On June 26 Michler and Jiménez began running the boundary westward toward the Colorado. Michler and a small group worked the line while Jiménez and another went ahead to the spring at Quitobaquito to set

up a primary astronomical station and compute its latitude and longitude. The survey required all summer, but the rains provided sufficient water to make it a routine if disagreeable operation.

Major Salazar conferred with Emory at El Paso in August, conducted his own survey of the boundary as far as the 111th meridian, then repaired to Janos, Chihuahua. From here, on October 15, 1855, he was able to send "Señor Don W. H. Emory" word that "Lieut. Michler has just handed me, in person, an official note, by which I am informed that the topography of the line between meridian 111° and the Colorado is completed." And to his own government he hastened the long-awaited news that "it now only remains for the government of the United States to fulfill its part of the obligations imposed by the 3d article of the treaty. God and Liberty."15

As Emory viewed it, however, there was one more item—completing and signing the maps. He strongly urged that Mexico not be paid the remaining $3 million indemnity until this was done. But the Attorney General ruled that the termination of field work met the conditions fixed by the treaty, and, in four installments between February 7 and April 4, 1856, the United States made final payment to Mexico for the Gadsden Purchase. Thus, after eight years, the

15. Ibid., p. 36.
international boundary was at last established and marked in its entirety.16

The marking proved less than permanent. Laborers had accompanied the surveyors to erect boundary monuments, some of dressed stone and others merely piles of rock. Most of these were destroyed by Indians within a few months. At first this made little difference, but as settlers moved west in mounting numbers the land boundary became the focus of property disputes and law and customs enforcement problems. A convention concluded between the United States and Mexico in 1882 and renewed in 1889 called for a resurvey and remarking of the boundary.


Emory received a brevet of lieutenant colonel for distinguished service as boundary commissioner and was appointed a full major in the newly organized 1st Cavalry in 1855. He continued to preside over the office of the boundary commission in Washington until the maps were completed and signed and the voluminous report published. He served as a Union major general in the Civil War and retired in 1876 a regular army brigadier general. He died in 1887.

Printed in the Emory report is a large folded "Map of the United States and their Territories between the Mississippi and the Pacific Ocean and Part of Mexico," prepared by the boundary commission to present an over-all view of its own work as well as other reliable mapping of the time. By far the most accurate and detailed map of the West yet to appear, it was almost immediately, in 1859, eclipsed by Lt. G. K. Warren's monumental map of the Trans-Mississippi West executed for the Pacific Railroad Survey. This map drew together the results of the railway surveys and all other mapping that preceded it. In addition to the large map, Emory's office produced a series of 54 sectional maps at 1:60,000 tracing the boundary in detail from the Gulf to the Pacific. These were the maps that were ultimately signed by Emory and Salazar as the definition of the boundary called for by the Gadsden Treaty. They are now in the National Archives.
With Jacobo Blanco representing Mexico and Lt. Col. J. W. Barlow the United States, work commenced in 1892 and was completed in 1895.17 The commission repaired such of the original monuments as still stood and installed new ones where the old had vanished. Monuments No. 1 and No. 258 received special attention. Majors Emory and Salazar had erected No. 1 on the Rio Grande north of El Paso in 1855. Of cut stone, it stood 12 feet high, 5 feet square at the base, and 2½ feet square at the top, with inscriptions on the north and south faces. The Barlow-Blanco Commission constructed a cement mortar jacket to protect the foundation stones from flood waters, repointed the joints, and surrounded the site with an iron fence. The opposite end of the land boundary, three miles south of San Diego, had been marked with a cairn of rocks in 1849, but in 1851 Captain Hardcastle had a marble shaft shipped around the Horn and installed in its place. Barlow and Blanco found this monument so mutilated by souvenir hunters that they had it dismantled and restored by a marble firm in San Diego. It was then remounted and surrounded by an iron fence. Nos. 1 and 258 stand today as historic edifices in their own right as well as monuments to the achievements of those who surveyed and marked the international boundary, United States and Mexico.

17. The report of this boundary commission is in Senate Ex. Doc. No. 247, 55th Cong., 2d sess. (1898).
Part III—

BORDER VIOLENCE

For three decades after the Mexican War, Mexicans and Americans menaced each other across the international boundary, and episodes of violence occurred repeatedly to aggravate relations already embittered by the Mexican War and its aftermath of boundary dispute. Indian and bandit raids, smuggling activity, revolutionary disturbance, and filibustering enterprises plagued the border throughout the 1850s. With the onset of the 1860s, civil war on one side of the line and attempted foreign conquest on the other fanned the flames of discord. And from 1867 to 1879 the worsening Indian situation goaded the United States into repeated boundary violations that drove the two nations once more to the brink of war.

For Mexico these were troublous times internally as well. Revolutions, counter-revolutions, and coups produced chronic governmental instability which in turn contributed to lawless and chaotic conditions on the Mexican side of the border and also invited aggressions from Yankee freebooters infesting the American side. Mexican politics formed a backdrop vital to an understanding of the unfolding history of border violence.

Mexican Politics, 1848-1911

The Mexican War left Mexico weak and divided, with the states
going their own ways and the impotent and bankrupt central government powerless to impose national authority. Conservatives backed by the Army and the Church governed precariously. Liberals trumpeting the national humiliation of the Mexican War called on the oppressed and landless to overturn the established order. Driven to the wall, the Conservatives once more summoned Santa Anna to the Presidency in 1853. With army support he set up a corrupt and despotic dictatorship and, selling the Gadsden Purchase area to the United States, added still more to Mexican humiliation. But a growing opposition knocked the props one after another from beneath him, and in August 1855 "His Most Serene Highness" went into exile for the last time.

La Reforma, the Liberal program, promised much but delivered little. It promised an end to the special position in national affairs of the Church and the Army, and it promised land for the landless. The Constitution of 1857 instituted much of the program as the law of the land, but the Liberals lacked the unity to give it much actual effect. The Indian leader of the revolt against Santa Anna, Juan Álvarez, was installed as President in 1855, but he gave way within months to Ignacio Comonfort, a moderate of limited talent whose tendency to appease the Conservatives angered the militant wing of the Liberals. The crisis came in 1858 when the President tried to meet army demands for a more conservative constitution without alienating his Liberal supporters. He pleased neither and hastily packed off to the United States for an extended vacation. General
Félix Zuloaga assumed the Presidency, and the outraged Liberals repaired to Querétaro to set up their own congress and executive. Mexico now had two governments.

The new Liberal President was Benito Juárez, a full-blooded Indian who resembled Abraham Lincoln in many traits and today occupies an equally honored place in the history of his nation. He had been in the front ranks of the Liberal movement from the first, and now, at the head of the revolutionary government, he led the Liberal forces in a three-year war against the old order. Enjoying broad support from the masses, Juárez finally prevailed and in 1861 seated himself in the presidential palace in Mexico City.

He occupied it for only two years. No sooner had he set about consolidating his regime than the shadow of Europe darkened Mexico. France, England, and Spain joined to force Mexico to pay her debts. England and Spain backed out upon discovering that French Emperor Napoleon III had imperial designs on Mexico, but the armies of France alone drove victoriously through the Juáristas and in June 1863 occupied Mexico City. The President fled, and Austrian Archduke Maximilian, backed by French bayonets, accepted the "call" to the Mexican throne. For four years Juárez kept alive the resistance movement. For Napoleon, as a result, the Mexican satellite proved a terribly expensive project. When the United States, its own civil war ended, made it unmistakably plain that France must recede from the Western Hemisphere or deal with the victorious armies of the
Union, Napoleon abandoned his luckless Austrian puppet, who fell before a Juárista firing squad.

Juárez moved back to the palace in July 1867. But with victory complete his own followers began quarreling, and swiftly his power base dissolved. He hung on to the Presidency through elections in 1867 and 1871, although after the latter he had to suppress a revolution, and died in 1872.

Sebastián Lerdo de Tejada succeeded to the mantle of Juárez, but the man of the hour was strongman Porfirio Díaz, Liberal general who had engineered the military triumph over Maximilian and who had instigated the revolution against Juárez in 1871. Díaz organized another revolution and in 1876 drove Lerdo into exile.

Although posing as a Liberal and in fact instituting some limited reforms, Díaz ruled for 36 years with a heavy and often oppressive hand. It was, at the same time, a period of unprecedented order, stability, and continuity in domestic and foreign affairs. Foreign capitalists, chiefly American, found the President an agreeable man to do business with, and in large numbers they moved in to exploit the resources of Mexico to their own immense profit and to the financial integrity of the Díaz regime. Relations with the United States improved vastly, and real progress was made in the amicable adjustment of boundary problems (see Part IV).¹

The years of the most serious border violence thus coincided with the years of civil war and revolution that rent Mexico before the accession of Díaz. During this era Juárez fought to establish himself over the counterforces of reaction, foreign colonialism, and finally opposition within his own camp. It is not surprising that this was also an unsettled time along the international boundary. The Government was preoccupied with more pressing affairs than controlling its people on the boundary and standing firm against American boundary aggressions. Díaz, by contrast, stabilized the boundary as he stabilized the interior. Not until his overthrow in 1911 and the resumption of political chaos in Mexico did the boundary again experience comparable violence.

The Indian Problem, 1848-61

Overbearing Anglo-Americans and resentful Mexicans caused trouble enough along the boundary without the intervention of a third people. But Indians residing on both sides of the line contributed their full share to the already unhappy conditions of the boundary country. Mexicans bore the brunt. For a century or more before the Treaties of 1848 and 1853 traced new boundaries, tribes from the north had regularly and systematically ravaged the settlements and haciendas of northern Mexico. From the Great Plains Kiowas and Comanches scourged the Texas frontier and raided deep into Tamaulipas, Nuevo Leon, Coahuila, Chihuahua, and even remote Durango. From the Sierra
Blanca of New Mexico and the mountains bordering the Gila farther west, Apaches tore up the roads and towns of Chihuahua and Sonora. Stock, plunder, and captives by the hundred, who were integrated into the tribes, enriched these Indians. For Kiowas, Comanches, and Apaches, the raiding pattern was a deeply entrenched cultural feature of large economic and social significance. It was not to be surrendered merely because some treaties clothed it with international significance too.

Article 11 was the one clear gain for Mexico that the negotiators at Guadalupe Hidalgo embedded in the peace treaty of 1848—or so it seemed. The North Mexican states had insisted upon it, and the United States agreed to it out of considerations of humanity as well as expediency. Article 11 bound the United States to prevent its Indians from raiding in Mexico, to rescue and return to their homes all Mexican captives residing with the tribes, and to enact certain laws in support of these engagements.2

The authorities in Washington had not the remotest comprehension of the magnitude of the commitment to which they had so readily acceded. The task turned out to be utterly beyond the capabilities of the Army and the Indian Bureau to carry out within the financial limitations imposed by Congress. The national legislators consistently refused, on economy grounds, to augment these

2. This section is drawn mainly from Rippy, United States and Mexico, chap. 4; and from the same author's "The Indians of the Southwest in the Diplomacy of the United States and Mexico, 1848-1853," Hispanic American Historical Review, 2 (1919), 363-96.
agencies appreciably even though the territorial acquisitions of the Mexican War had vastly enlarged their responsibilities. The tribes that customarily raided in Mexico numbered perhaps 30,000 people, yet there were rarely more than 3,000 soldiers and a dozen Indian agents in the entire Southwest, including Texas. They could not even prevent incursions on the frontier settlements of Texas and New Mexico, much less bar the warriors from Old Mexico.

The failure stemmed from lack of means, not lack of will. The Army built forts along the Lower Rio Grande, in southern New Mexico, and later in the Gadsden Purchase. Orders from commanders and reports from subordinates reveal a conscientious attempt to live up to the treaty. There simply were not enough soldiers, especially cavalry, to do it. Agents of the Indian Bureau also tried hard. In councils with the Indians they demanded, threatened, cajoled, and persuaded, but the red men knew that the Government lacked the military strength to enforce the demand. With perhaps two dozen exceptions, they absolutely refused to deliver up the Mexican captives, who usually did not want to be liberated anyway. And, although they solemnly signed treaties with the United States agreeing never again to raid in Mexico, they drew their presents and set forth to raid in Mexico.

American officials occasionally accused Mexico of resigning the whole defense problem to the United States and thus forfeiting her rights under Article 11, but this was not true. The Mexican effort in the first postwar years approached that of the United States;
Beginning in 1848 Mexico laid down a chain of 18 military colonies along the boundary from the Gulf to the Pacific and manned them with some 2,500 soldier-settlers charged with colonizing the frontier and defending it against Indians. These troops did some good service, but in the end the Mexican plan proved as abortive as the American. The explanation lay in the national political unrest of the 1850s, the poverty of the frontier country, epidemics of disease, the disruptive effect on the colonies of the California gold strikes, and the rise of Anglo-American filibustering incursions.

Mexicans did not keep a very complete account of their losses to the Indians. What they did report, however, affords a faint glimpse of the magnitude of the savage inroads. Between 1848 and 1853 alone, the records and newspapers of Tamaulipas, Nuevo Leon, and Coahuila disclose casualties of 385 citizens killed, 221 wounded, and 113 carried into captivity. They also report raids that produced uncounted additional losses. Chihuahua suffered much more than any of its eastern neighbors but provided no statistics. Sonora, where the impact was fairly well documented, recorded human losses in these years of 840 killed, 97 wounded, and 89 taken prisoner. From the observations of Americans who visited the raiders in their home villages, it is certain that the Mexican loss in horses, mules,

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3. Rippy, "Indians of the Southwest in the Diplomacy of the United States and Mexico," pp. 384-89, summarizes the evidence as extracted from Mexican sources.
and cattle each year ran to several thousand head. Not counted of course was the terror and insecurity that constantly gripped the inhabitants of the frontier states. Mexicans had good reason to resent the failure of the United States to live up to Article 11 of the peace treaty.

As American officials in the Southwest began to gain knowledge of the strength and capabilities of the Indians, the immensity of the obligation assumed at Guadalupe Hidalgo dawned on policy makers in Washington. Furthermore, the avalanche of Mexican protests descending on the State Department was embarrassing, and when the protests began to come in with damage claims attached the embarrassment gave way to alarm. The United States consistently refused to admit any financial liability for Indian damages in Mexico, and it pointed out that Article 11 did not require it to accord Mexicans greater protection than Americans. The uncomfortable fact remained, however, that the United States had solemnly promised to keep the Indians out of Mexico and had dramatically failed. In 1852 American diplomats tried to buy release from the commitment, but Mexico's calculation of a fair price in the neighborhood of $40 million seemed extravagant and the effort collapsed. When James Gadsden went to Mexico City a year later, the Indian question was high on the list of items for discussion. It figured prominently in his negotiations with Mexican officials, and as we have seen (p. 21) it found its way into the comprehensive settlement embraced by the Gadsden Treaty. General
Gadsden purchased not only a sizable Mexican acreage but also release from the vexatious Article 11.

The release may have eased the American conscience, but it had no effect on the raiding habits of the Indians. Their destructive forays into Mexico continued unabated for many years after the Gadsden Treaty. Toward the latter part of the 1850s the U.S. Army scored some signal victories over the Kiowas and Comanches as well as the Apaches. But these triumphs produced no lasting benefit, and the withdrawal of the Federal garrisons at the onset of the Civil War in 1861 removed any restraint they may have exerted. Moreover, the warriors quickly perceived that the international boundary could be used to advantage. From Mexican refuges—and with Mexican encouragement, charged some Americans—raiding parties darted across the line, struck at American ranches or roads, and swiftly withdrew beyond the boundary, where pursuers were not supposed to follow. That at times they did follow was to cause some serious border disturbances in the future.

Filibusters and Adventurers, 1848-60

For the United States, the 1850s were the golden age of filibustering. The "manifest destiny" of Anglo-Americans to spread over the continent and perhaps even the hemisphere afforded an altruistic cloak for the mercenary objectives of the typical filibustering expedition. And often it was a genuine cloak, for
filibusters rarely had any difficulty convincing themselves that they were advance agents of their nation's divinely ordained destiny to absorb its weaker neighbors and extend over them the blessings of democracy. Neutrality laws made it illegal for soldiers of fortune to use United States soil as a platform for the armed invasion of a friendly neighbor, but the climate of opinion in the 1850s weakened the enforcement of such laws. Many newspapers, a vocal segment of the public, and even high officials of government condoned the filibustering enterprises. The most spectacular of the period were launched by Narciso López against Spanish Cuba and by William Walker against Nicaragua. Both ended, as most filibusters did, in front of a firing squad. With powerful elements in the United States openly coveting still more Mexican territory, Mexico offered an especially tempting filibustering target.

California and Texas afforded the principal bases. For the California filibusters, the mines of Sonora seem to have been the principal attraction. The most persistent of those operating from California was a French nobleman, Count Gaston Raousset de Boulbon, who between 1852 and 1854 organized three separate ventures in Sonora. The culmination came in August 1854 when he and a small following of adventurers tried to storm the Mexican defenses of Guaymas. The

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attack foundered and the rebel force fell apart. Sonoran authorities had had enough of the troublesome Frenchman, and they terminated his career with a firing squad.\(^5\)

For William Walker, later to become "prince of filibusters," Lower California was a training ground for the Nicaraguan undertaking of 1855-60. In the autumn of 1853 he and a band of less than 50 men set sail down the coast and put in at La Paz, capital of Lower California. Imprisoning the governor, Walker proclaimed the Republic of Lower California while his men were looting the town. Returning up the coast, the adventurers landed at Ensenada, about 50 miles below the international boundary, in November and formed a government with Walker as president. Mexican troops from the nearby military colony of Santo Tomas nearly drove the government into the ocean, but prospects revived when reinforcements appeared that swelled Walker's following to more than 200 men. They foraged liberally on the country and did little to recommend themselves to the inhabitants as beneficient liberators. Early in 1854 the self-styled president proclaimed the Republic of Sonora, annexed it to the Republic of Lower California, and set forth to conquer it. But the populace, the military, and a famous band of robbers disrupted the march, fragmented the invading force, and ultimately drove it piecemeal across the boundary into California. U.S. Army officers arrested the "gray-eyed man of destiny," but a jury freed him to

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fulfill his destiny in front of a firing squad six years later.\(^6\)

The last important California-based filibustering expedition was launched in 1857 by Henry A. Crabb. In Sonora a revolution had been in progress, with Ignacio Pesqueira attempting to overthrow incumbent Governor Manuel Gandara. Crabb had received intimations that the intention was to seek the annexation of Sonora to the United States and that his aid would be gratefully accepted by the revolutionists. Forming the "Arizona Colonizing Company," Crabb placed himself at the head of nearly 100 men and early in 1857 marched overland via Fort Yuma to enter Sonora at Sonoyta. By now, however, Pesqueira had won the governorship, and he rallied the state to meet the Yankee invasion. At Caborca, 90 miles southeast of Sonoyta, the unwary Americans walked into a trap. Taking refuge in a row of adobe houses, they fought off the Mexican forces for 10 days until on April 6 the survivors, 69 in number, were compelled to surrender. The Mexicans lined up their prisoners and executed all save one, a boy of 14.\(^7\)

More serious disturbances occurred at the other end of the boundary, where Texans and Mexicans faced each other in unconcealed hostility across the Lower Rio Grande. Aside from historic anti-pathies rooted in the Texas Revolution and the Mexican War, Texans


found current grievances to make them especially susceptible to the lure of armed aggression against their Mexican neighbors. The raiding activities of Mexican-based Indians was one. The sanctuary Mexico afforded to runaway slaves, who escaped across the boundary by the hundreds, was another. And finally, a prohibitive Mexican tariff system had transformed nearly all the American merchants into smugglers who, despite their comfortable profits, bitterly resented the vigor of Mexican customs enforcement.

From the last of these grievances sprang the Merchant's War of 1850-53. The valley merchants (i.e. smugglers) seized upon a revolution that erupted in Tamaulipas to redress their supposed wrongs. Prominent among the revolutionists was José María Carvajal, a Mexican born in Texas who had cast his lot with the Texans in 1836 and 1846. The merchants threw financial support to him, and with it he attracted several hundred American adventurers to his standard. In the autumn of 1850 Carvajal's army assaulted and took Camargo, then moved to besiege Matamoros. Here the defending garrison shattered the attack and threw the insurgents back across the Rio Grande. Carvajal next turned to Cerralvo, but after a four-day encounter again withdrew to the American side of the boundary. Much of his financial backing slipped away when the Mexican authorities eased the tariff restrictions and thereby abated the anger of the American merchants. Early in 1852, however, Carvajal led more than 400 Americans in another attempt to seize Carmargo. This offensive failed,
as did still another a year later, and Carvajal's rebellion collapsed. Twice arrested and freed by U.S. authorities, Carvajal later, under the Liberal regime in Mexico, rose to high rank in the councils of the Tamaulipas government and distinguished himself in the war against the French invaders.  

Many of Carvajal's American recruits had a secondary motive for joining his rebellion: it offered a convenient cover for the lucrative activity of recovering runaway slaves. This source of border trouble combined with another, the Texas raids of Mexican Indians, to produce a serious border incident in October 1855. Pursuing hostile Indians, Capt. James Callahan crossed the Rio Grande with three companies of Texas Rangers. There seems little doubt that slaves as well as Indians were the goal, and it may also be that there was some vague scheme for seizing territory. At first the Mexicans aided the undertaking, but later they joined with the Indians to fall upon Callahan's command. The Rangers retreated to Piedras Negras, which, pleading military necessity, they pillaged and burned before recrossing the Rio Grande under the protection of the U.S. troops at Fort Duncan. Although the incident caused a furor among Texans, who demanded a revenge expedition, the governor of the state and the Federal military commander condemned the aggression and stood firm.

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against reprisal. Callahan was dropped from the Ranger rolls.9

Although not strictly a filibustering episode, the Cortinas War of 1859-60 took on many aspects of one, and its central figure was cast in the mold of the 19th century filibuster. To Americans along the lower valley Juan Nepomuceno Cortinas was a cattle-and-mule thief and sometime murderer. To the river Mexicans he emerged as a swashbuckling champion of the downtrodden. With his mother and a retinue of admirers he lived on a ranch above Brownsville.

Cortinas won his Robin Hood mantle on July 15, 1859, when he shot the overbearing marshal of Brownsville and liberated a Mexican prisoner who had been badly treated by the bullying lawman. Two months later he invaded Brownsville with about 40 men, killed four Texans, set free all the prisoners in the city jail, and established headquarters in the recently abandoned barracks of Fort Brown. Influential Mexicans, including Carvajal, persuaded him to evacuate the town, but two days later, on September 30, he issued a proclamation calling upon the authorities of Texas to redress the wrongs of the river Mexicans or he would do it himself. Two weeks later, when Brownsville officials refused to free a jailed Cortinas lieutenant, he threatened to burn the town.

The beleaguered Texans organized a 20-man militia squad dubbed the Brownsville Tigers and set forth to do battle at the Cortinas

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ranch west of town. The fight had hardly begun, however, when the Tigers panicked, abandoned their positions and a cannon, and hastened back to town. A force of Texas Rangers arrived early in November. In martial qualities they resembled the Tigers, and when they tried to test conclusions with the enemy they suffered the same humiliating fate. His prestige and ego soaring, Cortinas effectively ruled the lower valley outside Brownsville. He levied contributions and conscripted recruits, and Mexicans from across the boundary flocked to his standard.

In December help finally reached Brownsville. Capt. John S. Ford with 120 experienced Rangers and Maj. Samuel P. Heintzelman with 165 Federal Regulars swept up the valley and near Rio Grande City drove the rebel force across the river in disorder. Early in 1860, as Cortinas tried to renew the contest, the Rangers and Regulars twice crossed into Mexico and defeated him. At this juncture Col. Robert E. Lee arrived on the scene. Tactfully yet firmly he communicated the substance of his orders to the authorities at Matamoros: if Mexico did not break up Cortinas' band at once, the United States Army would cross the border in force and do the job itself. This had the desired effect, and Cortinas was driven into hiding in the Burgos Mountains. His freebooting career, however, had by no means ended.10

The aggressions of Raousset, Walker, Crabb, Carvajal, Callahan, and Cortinas were the more spectacular manifestations of a phenomenon that kept the border in turmoil throughout the decade preceding the American Civil War. There were uncounted others on a lesser scale that added to the ferment, and there were still more that never got beyond the planning stage. Of the latter, perhaps the most ambitious took form in the active mind of the grand old man of Texan independence, Sam Houston. Elected governor of the state in 1859, he dreamed of conquering northern Mexico with 10,000 Texas Rangers. He even took some preliminary steps to give substance to the dream, but the Civil War shattered the project. Aside from boundary disruptions, the chief effect of the Anglo-American incursions was to deepen Mexican suspicion and resentment of the United States and its citizens and thus to push still farther into the future the day when cordial relations might be perfected.

The Civil War Years

With the outbreak of the American Civil War the Lower Rio Grande Valley took on immense strategic significance. The Union blockade closed down most of the Southern ports, and for a time Brownsville-Matamoros was the only wholly open door through which the Confederacy could deal with the outside world. As J. F. Rippy has written, "Matamoros was to the South what New York was to the North."  

12. United States and Mexico, p. 238.
European arms, ammunition, and supplies of every character passed through it destined for the Confederacy, while cotton, the chief exportable staple of the South, crossed the Rio Grande en route to Europe and, covertly, to the mills of New England. An observer remarked that, on the road to Brownsville, "the chaparral would be almost white in places from the lint detached from passing bales." Despite non-intercourse decrees issued by Juárez' central government, the profitable commerce flourished throughout the war years—even after the appearance of a Federal army on the scene.

The French intervention in Mexico enormously complicated affairs on the Lower Rio Grande, for now civil war flared on both sides of the line. The Union favored and diplomatically supported Juárez, who in turn pursued anti-Confederate policies. The Confederacy, hoping for French recognition, favored the Imperialist cause in Mexico. Confusion reached a zenith in 1864. A Federal force landed at Brazos Santiago late in 1863 and throughout most of 1864 contended with Confederate troops in the Brownsville area. Across the river, where Juan Cortinas now reined as Liberal governor of Tamaulipas, a French army mounted an offensive against the Juárista forces holding the state. On the one hand, local Confederate officials intrigued with and received arms from the French; on the other, Juáristas felt no compunction at crossing the river and skirmishing with the

Confederates. On one occasion, in the autumn of 1864, units of Cortinas' army fought beside Union troops in a battle with Confederates. The astonished Southerners found among their Yankee prisoners 12 Mexican soldiers wearing the insignia of a Juárista regiment. 14

The American Civil War ended at Appomattox Court House, Virginia, on April 9, 1865. More than a month later, on May 13, the last battle of the Civil War was fought at Palmito Hill, 10 miles east of Brownsville, Texas. Paradoxically, it was a Confederate victory. Across the river the other civil war seemed to be drawing to a close, too. Disorganized and impoverished, the Juáristas had lost nearly every North Mexican city to the Imperialist forces.

But American protests, muted during the Civil War, now began to bombard Napoleon III in stronger language, and to buttress them. General Philip Henry Sheridan arrived on the Lower Rio Grande in June 1865 with 50,000 battle-hardened Union veterans. He had no patience with the diplomacy of the State Department, and for nearly two years he adopted every means short of actual invasion to intimidate the French and aid the Republicans. Up and down the Rio Grande he "condemned" huge quantities of war material, then let the Juáristas know that these stockpiles of surplus would be left unguarded. His saber-rattling demonstrations kept the French constantly on edge and fearful of open intervention. With Sheridan's help the Juáristas

rallied and the resistance took on new life. Gradually the French pulled back from the border with its menacing blue wall beyond. At last, in 1867, Napoleon bowed to Juárista bullets and American diplomacy and pulled out of Mexico, leaving the hapless Austrian archduke to his fate.¹⁵

The vital role the United States had played in the reinstatement of Juárez held forth the hope that the Mexican and North American republics might be on the verge of a friendship unknown in the past. And in fact, one of the principal irritants of the past, the aggressive, jingoistic expansionism of the American people, had subsided; in its place arose a new and more moderate form of expansionism—peaceful penetration through capital investment. But the real surge of economic imperialism came later, in the heyday of Porfirio Díaz. In the decade preceding his rise, the United States and Mexico slipped into the old enmity. For one thing, the French interlude had left Mexicans with a hatred for all foreigners, including Americans. For another, and more consequential, the 1870s were years of repeated border irritations that wiped out any residue of good will left over from the days of General Sheridan.

**Boundary Troubles of the 1870s**

Many irritants troubled the border in these years. A customs-free zone 10 miles wide along the Rio Grande in Tamaulipas, established

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¹⁵. C.C. Rister, *Border Command: General Phil Sheridan in the West* (Norman, 1944), chap. 1.
in 1858 to discourage the population exodus to the United States, set the stage for smuggling and other abuses that cost both nations dearly in revenue and angered border Americans. Bandit gangs infested both sides of the boundary from the Gulf to the Pacific and preyed on the populace of both nations. Texas cattle herds suffered grievously from their aggressions; testimony of a somewhat questionable character declared that 25 per cent of the cattle hides entering the United States through Brownsville bore Texas brands and another 25 per cent brands that had been tampered with. And, while Kiowas, Comanches, and Apaches continued to plunder Mexico, Kickapoo, Lipan, Apache, and other formerly American tribes that had taken up residence in Mexico struck in Texas, New Mexico, and Arizona. Three American and one Mexican investigating commissions took much testimony from border inhabitants in the early 1870s, but their reports were prejudiced and contributed nothing to solutions of the problems.¹⁶

Considering itself badly imposed upon by Mexican Indians and bandits, the United States showed less and less respect for the international boundary. If Mexico would not police her own lawless elements, the United States would do it for her. The first major incident occurred in the spring of 1873, when the Secretary of War and General Sheridan, visiting Fort Clark, Texas, orally instructed Col. Ranald S.

Mackenzie to clean out a nest of Kickapoo raiders on the San Rodrigo River about 50 miles west of Piedras Negras. The two officials would not commit the order to writing but indicated that President Grant would support the young colonel if there were repercussions. In May 1873, therefore, Mackenzie led the 4th Cavalry in a daring thrust into Mexico and on the 18th fell upon the Kickapoos at El Remolino. Nineteen Indians were slain and 40 women and children seized as prisoners. As angry Mexicans and Indians swarmed on its flanks and rear, the regiment hastily withdrew across the boundary. Mexico protested loudly in Washington, but true to his word the President shielded Mackenzie from the disciplinary action demanded by Mexico.  

The second serious incident took place in November 1875, when a force of U.S. cavalry under Capt. James F. Randlett attempted to head off a gang of Mexican rustlers. The thieves got across the Rio Grande with their stolen cattle at Las Cuevas, near Camargo, and Randlett demanded that the village alcalde surrender the culprits and return the stock. While Randlett awaited reinforcements to enable him to cross the river and enforce the demand, Capt. L.H. McNelly and a detachment of Texas Rangers reached the scene and at once charged into Mexico, where they collided with 250 Mexican regulars. Randlett pushed United States regulars across to support the hard-pressed Texans, but after a brief exchange of gunfire a truce was arranged. That night Randlett withdrew his men under orders from superiors, and

McNelly returned the next morning. Again Mexico protested vigorously at the invasion of her soil.\textsuperscript{13}

In 1876 and 1877 invasion of Mexican territory became a more or less customary American practice. Acting under orders of Brig. Gen. E.O.C. Ord, Lt. Col. William R. Shafter and his energetic commander of Seminole scouts, Lt. John L. Bullis, crossed into Mexico time and again during these two years. In July 1876 they surprised a Lipan camp in Coahuila, killed 14 warriors, captured 96 horses and mules, and destroyed the village. In January 1877 Bullis and his scouts, supported by 200 cavalrmen, drove 125 miles southward into Coahuila. In March of the same year Shafter invaded Piedras Negras to free some Mexicans incarcerated for guiding the American troops, but the prisoners were spirited out of town before the colonel reached the jail. And in October 1877 Bullis attacked and burned an Indian camp near Zaragossa, nearly clashed with Mexican regulars, and withdrew across the border covered by 300 troopers ordered to his support by Shafter.

All this took place against a backdrop of governmental change in both countries. In Mexico in 1876 Porfirio Díaz made good his bid for power, in part by inflaming the populace with the issue of American boundary aggressions. In the United States Rutherford B. Hayes assumed the Presidency in 1877 determined to withhold recognition from Díaz and pursue a firm Mexican policy until border troubles were brought

under control. Díaz declined to be intimidated; any concessions to the Americans while their troops paraded on Mexican soil would imperil his government. He took a firm stand by sending a division of regulars to the frontier with orders to shoot any U.S. soldiers found on the wrong side of the line. But he also let it be known that if the two nations could get along better American capitalists might find some very attractive investment and commercial opportunities in Mexico. War was a close thing in 1877, but by the spring of 1878 the Hayes administration discovered that the popular ardor for a belligerent Mexican policy had cooled a great deal. The President granted recognition to Díaz but still insisted on certain border guarantees as the price of friendly relations. These, under the continued threat of border violations, Díaz refused to concede. For another two years American diplomats used forceful language with the Mexican strongman, but at the same time American financiers were discovering the lucrative possibilities of which he had hinted. In the end their influence prevailed. In 1880 President Hayes revoked the Army's authority to cross the boundary.

With the United States no longer seeking its objectives through coercion, Díaz turned cooperative. Conventions were concluded to permit troops of either nation to cross the boundary in pursuit of hostile Indians, and under these arrangements the United States and Mexican armies prosecuted the final campaigns against the Apaches, last of the unconquered tribes. By 1886 the Indian menace had been eliminated
altogether, and with it one of the most persistent and aggravating sources of Mexican-American dispute.

Pancho Villa and the End of Border Violence, 1915-20

The years from 1880 to 1911 were years of unprecedented harmony between the United States and Mexico. The reasons were to be found in the order and stability of Mexico and the deep involvement of Americans in Mexican economic affairs. Some very powerful men in the United States had some very powerful motives for wanting international harmony. By 1911 Americans had built more than 10,000 of Mexico's 16,000 miles of railroad, and their railroad holdings were valued at nearly $650 million. By 1911 American mining corporations had Mexican assets of $250 million. American firms acquired and exploited millions of acres of Mexican grass, mineral, timber, farming, and oil lands. In 1912 American investment in Mexico was set at nearly $3 billion, and perhaps 50,000 to 70,000 Americans resided in Mexico. In 1919 a Senate committee estimated that in 1912 Americans owned 78 per cent of Mexico's mines, 72 per cent of her smelters, 58 per cent of her oil, and 68 per cent of her rubber. Against his background, Mexico and the United States quickly reached agreements on the adjustment of boundary problems by treaties concluded in 1884, 1889, 1905, and 1906, and by the formation in 1892 of the International Boundary Commission (see Part IV). As a symbolic expression of the new amity, Presidents

19. Rippy, United States and Mexico, chap. 19.
Taft and Díaz met in the center of the international bridge linking El Paso with Juárez in 1909 and later held conferences that testified to the spirit of good will that characterized relations between the United States and Mexico.

But the foreign economic domination combined with the repressive policies of Díaz to produce mounting discontent in Mexico. In the first decade of the 20th century the abused peasants and Indians and the outraged intellectuals began to unite against the dictator. When he sought re-election in 1910, Francisco I. Madero drew together all the diverse elements of the opposition, and in May 1911, after 35 years of rule, Porfirio Díaz went into exile. Once more chaos swept the country. The Army, the Church, and the land barons saw their privileges again threatened. Counter-revolution overturned Madero and in February 1913 installed army chief Victoriano Huerta, who promptly murdered Madero. Most of the great powers recognized the Huerta government, but President Woodrow Wilson, introducing a new idealism into international affairs, withheld United States recognition and sought the overthrow of this "desperate brute" in Mexico City. With arms purchased in the United States, Constitutionalists under the leadership of Venustiano Carranza at last, in July 1914, unseated Huerta. But they, too, fell to quarreling. The chief antagonists were the new President, Carranza, and General Francisco "Pancho" Villa, a crude unlettered war lord who enjoyed wide peasant support in Sonora and Chihuahua. Civil war blazed for a year, but by the spring of 1915
Villa had been eliminated as a serious military threat to the Carranza government. With a bandit army of about 5,000, however, he continued to run wild in the northern states. From 1915 to 1920 Pancho Villa and his followers brought violence again to the border country.20

Villa's anti-American crusade had several motives. One was mere plunder. Another was revenge; the United States had let Carranza use the Southern Pacific Railroad from El Paso to Douglas, Arizona, to marshall his armies against the Villistas, and it was near Agua Prieta, across the border from Douglas, that Villa had lost 5,000 men in the decisive battle of the civil war. And finally, Villa hoped to provoke the United States into a retaliation against Mexico that would bring down Carranza. Wilson was not getting along well with Carranza anyway, and Villa's policy nearly triumphed.

In January 1916 a band of Villistas stopped a train at Santa Ysabel, Chihuahua, pulled off 17 American passengers, and summarily executed 16 of them. Three months later, shortly after midnight on March 9, Villa and 1,000 men charged into the border town of Columbus, New Mexico, held by some 200 troopers of the 13th U.S. Cavalry. Though taken off guard, the soldiers responded with vigor, and a savage fire fight rocked the town throughout the night hours. Eighteen

Americans, both soldiers and townspeople, were killed and perhaps an equal number wounded. At dawn, with more American cavalry racing to the rescue, the Villistas hastily withdrew, leaving 25 to 30 of their number dead in the streets. The relief column, under Maj. Frank Tompkins, gave chase across the border into Mexico, smashed through three rear-guard defenses, and killed another 75 of the raiders. Villa's bold foray had cost him dearly, but he had indeed succeeded in provoking the United States. 21

At once orders issued from Washington for Brig. Gen. John J. Pershing to lead an expedition into Mexico to disperse the bandit gangs and if possible to capture or kill Villa himself. Supposedly with Carranza's consent, Pershing crossed the boundary at Columbus six days after the Villa raid and, ultimately with 12,000 regulars at his command, drove deep into Chihuahua. Wide-ranging cavalry columns scoured the desert-and-mountain terrain and occasionally clashed with Villista bands. By late May Pershing had penetrated 300 miles into Chihuahua, nearly to the Durango line, and had slain more than 200 Villistas. But he had not captured Villa. Wounded in a fight with Carranzistas on May 27, the bandit leader had gone into hiding and his forces had disintegrated. In June Pershing pulled back to a point

near Casas Grandes, 150 miles south of the boundary, and, with no
organized opposition, settled down to patrolling the countryside.
Twice his troops collided with Carranza troops, which infuriated the
Mexican people and prompted Carranza to demand the withdrawal of the
Punitive Expedition. Wilson unwisely refused. Carranza ordered his
commanders to shoot at all U.S. columns moving in any direction but
north, toward the border. Wilson mobilized the National Guard, 200,000
strong, and strung it along the border. Inexorably the United States
and Mexico drifted toward war.

Meanwhile, on the night of May 5, 1916, 115 Villistas—possibly
led, paradoxically, by a Carranzista colonel—crossed the Rio Grande
in the rugged country now included in Big Bend National Park. Part of
the group assailed and looted the small settlement of Glenn Springs,
where a squad of nine soldiers had been posted. Two of the troopers
were in their tents and escaped. Of the remaining seven, trapped in
an adobe hut with thatched roof, which the Mexicans fired, an
observer wrote:

Three had been killed. Their bodies were found near the building.
Pvt. Cohen had jumped from the building, only to have his face blown
off. Pvt. Coloe lay about ten feet from the door, and Pvt. Rogers,
with his clothes afire, had made an easy target for the Mexicans when
they dropped him only 100 yards from the shack. The four remaining
soldiers, Sergeant Smythe among them, were in horrible condition with
gaping wounds and blisters as large as hen eggs on their bodies. When
the Mexicans set fire to the thatched roof, the adobe shack became a
man-sized inferno. They were caught undressed and when they made their
escape over the burning coals, their bare feet suffered greatly.22

Bulletin, 43 (September 1963), 67.
The other party of Mexicans raided the village of Boquillas, about 12 miles southeast of Glenn Springs, sacked Deemer's Store, and made off with four American captives. The prisoners, however, overpowered their four guards and brought them back to Texas for trial. Two troops of cavalry under Col. George T. Langhorne crossed into Mexico and gave chase, but the raiders scattered. After 16 days of trailing, the cavalrmy men returned to the border. 23

With Villa's army dispersed, though not really punished, there was little that Pershing could accomplish by remaining in Mexico. Yet to withdraw without guarantees against future raids would be a humiliating confession of failure. Still, when Carranza in July 1916 suggested that the question be negotiated, Wilson readily agreed. A joint Mexican-American commission met in New London, Connecticut, in September. For four months the diplomats talked. The Americans insisted on commitments from Mexico to protect American lives and property and prevent border depredations; the Mexicans would promise nothing until the Americans agreed to get Pershing off Mexican soil. Deadlocked, the commission disbanded four months later, in January 1917. Now Wilson had the choice of meeting Carranza's demand for Pershing's withdrawal or considering war measures. With the United States drifting into the European war, the President chose the former course. Before the month had ended, the movement got underway, and

23. W.D. Smithers, "Bandit Raids in the Big Bend Country," ibid., pp. 81-84.
on February 5, 1917, the last of the Punitive Expedition crossed the boundary.

Villa's army had been smashed as an organized force, and the bandit chieftain himself menaced the border no more.\(^24\) (After Carranza's assassination in 1920 he patched up a peace with the successor government and retired to his Parral estate; in 1923 an assassination squad ended his career with 47 bullets.) But swarms of footloose Villistas infested the border in the months after Pershing's withdrawal, and they made occasional plundering forays across the line. The Big Bend country of Texas was the principal objective, and Colonel Langhorne's 8th Cavalry regiment, with headquarters at Marfa, patrolled this danger zone throughout 1917 and 1918.

Two raids were especially notable. On Christmas morning 1917 a large bandit gang attacked the headquarters of the Lucas C. Brite ranch 35 miles west of Marfa. The Brites were in Marfa, but the ranch foreman and his family with a handful of holiday visitors successfully defended the Brite home. The bandits pillaged the store, killed the driver and two passengers of a mail hack that had the misfortune to arrive at the wrong time, and made off with Brite's herd of riding horses. A neighboring rancher had heard the shooting and telephoned

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\(^{24}\) The usual interpretation of the Punitive Expedition is that it was a wild goose chase. However, Clendenen, "The Punitive Expedition of 1916," makes a good case for the conclusion that, even though Pershing did not capture Villa, the expedition accomplished its mission, which was primarily to break up the Villista forces and secondarily, if possible, to eliminate Villa himself.
the news to Marfa. By noon dozens of automobiles loaded with ranchmen, cavalrymen, and Texas Rangers were bouncing over the rutted roads from Marfa and Valentine to the Brite ranch. Upon discovering the approach of this cavalcade, the Mexicans hastily pulled out. As they made their way down the precipitous trail over the Candelaria Rim, where the plateau breaks away to the river bottom, the pursuers came within shooting distance, dropped several of the fugitives, and forced others to abandon some of their loot. The next day a posse of Rangers and soldiers crossed into Mexico and on the 27th assaulted the bandit stronghold of Pilares. Some 35 Mexicans were slain and much of the stolen merchandise and stock recovered. Although nearly every man in Pilares was a bandit, it could not be argued that everyone killed by the American posse was in on the Brite raid. The Carranza government protested the killing of innocent townspeople, and the Texas Adjutant General launched an investigation that led to the disbanding of the Ranger company involved. 25

The second major raid took place three months later, on March 25, 1918, against the Ed Nevill ranch south of Van Horn. Nevill and his teenage son Glenn raced from the house for the chaparral. Ed made his escape, but Glenn was shot down in the doorway, where his body was later found badly battered with clubs and rifle butts. Two troops of the 8th Cavalry promptly took the trail. Again it led to Pilares.

The fugitive raiders, heavily reinforced by others from Pilares and also by Carranzista soldiers, set up defenses to receive the invading American soldiers. The cavalry charged, the defenders gave way, and the fight moved into the town itself, ending with the death of 33 Mexicans and 1 American. 26

The attack on the Nevill ranch was the last of the big bandit raids. Minor ones now and then disturbed the border country, and the cavalry patrolled the Big Bend well into the 1920s. But as the revolutionary turmoil subsided and the Mexican Government established better police control, large-scale border violence ended. Rustling and smuggling still continue today, but compared with the border adventures of the Villistas these are tame pastimes indeed.

26. Ibid., pp. 89-94.
The Emory-Salazar surveys disclosed that the United States and Mexico faced each other across a land frontier of nearly 700 miles and a river frontier of more than 1,300 miles. Measured by the sinuosities of the Rio Grande, the boundary between its mouth and the initial point of the Gadsden Purchase line totalled 1,300 miles. (The river rectification program reduced this to 1,200.) In addition, for about 20 miles below its junction with the Gila, the Colorado forms another segment of the water boundary. Thus the river frontier is almost twice the length of the land frontier. It accounted for nearly all the boundary difficulties that plagued the United States and Mexico for more than a century.

The explanation lies chiefly in the character of the Rio Grande and the Colorado. Before tamed by man in the 20th century, both were unruly and unstable rivers. As alluvial streams carrying huge quantities of silt, they wandered snakelike across their broad lower valleys, constantly changing course by gradual means (erosion and accretion) and by sudden, violent means (avulsion). Traversing an arid land, they alike gave life to and destroyed their lower basins. In the spring, with the melting of the snowpack in the Rocky Mountains, the Rio Grande and Colorado were wild torrents overflowing and ripping up the floodplain, in the autumn mere trickles of muddy
water that in places sank entirely from view. The Lower Rio Grande could also run amuck in the summer and autumn months, when tropical storms in the mountains of Mexico flooded the tributaries from which this stretch of the river draws its largest volume.

The instability of the boundary rivers gave rise to all manner of problems. Their ever changing course placed the exact location of the boundary frequently in doubt, with consequent uncertainties for property owners, governmental authorities, and law enforcement officers of both nations. The fluctuating volume of the river raised questions of equitable water distribution and flood control that vitally concerned inhabitants on both sides of the boundary. With the increase of population along the frontiers of Mexico and the United States in the last quarter of the 19th century, these became pressing problems of mounting complexity. Only through international cooperation could they be equitably resolved.

In the 1880s the two countries made a start. To overcome historic antipathies and wide cultural differences was not an easy undertaking. Although border violence and boundary disputes continued well into the 20th century, they were offset and at length overshadowed by the solid results of a growing determination to settle differences amicably and fairly. This spirit of cooperation at last, in 1963, attained full maturity with the harmonious resolution of the last important boundary controversy.
The Treaties of 1884 and 1889

As early as 1856, when the Rio Grande still flowed through almost unpopulated country, Major Emory glimpsed something of the troubles that were certain to develop as more people settled on the river boundary. One of the pioneer founders of the American El Paso, James Wiley Magoffin, wrote to Emory that the Rio Grande in the El Paso Valley threatened to change it course; what would this do to the boundary line so recently surveyed? Emory referred the question to Washington, where it landed on the desk of Attorney General Caleb Cushing. The Attorney General's lengthy opinion summed up the principles of international law that governed river boundaries. If the river changed its course by the slow and methodical process of erosion of one bank and accretion to the other, then the boundary moved with the deepest channel. If, on the other hand, the river changed its course suddenly by avulsion—if, that is, it deserted its old bed and cut a new one—then the boundary remained in the old bed. Cushing's opinion, which simply restated long-accepted principles, defined the basis for dealing with boundary problems on the Rio Grande and the Colorado.¹

¹ Charles A. Timm, The International Boundary Commission, United States and Mexico (Austin: University of Texas Press, 1941), p. 151. This is the definitive work on the subject indicated by the title and is the principal source for the remainder of this study. Although some of the documentary sources supporting Timm's study have been consulted in the preparation of this account, his use of them was so judicious and inclusive as to make it unnecessary, for the purposes of this report, to cite them here.
One after another in the 1860s and 1870s instances of contested or uncertain sovereignty arising from the peripatetic habits of the Rio Grande intruded upon the diplomacy of the United States and Mexico. As early as 1867, in an exchange of correspondence concerning boundary problems in the El Paso Valley, the Secretary of State and the Mexican Minister in Washington expressed agreement with the opinion of Attorney General Cushing. On several occasions in the next decade diplomats of both governments reaffirmed the agreement. In 1875 Mexico suggested that the principles enunciated by Cushing be specifically applied by treaty to the river boundary between the United States and Mexico and submitted a draft treaty to the State Department for consideration. Nothing came of the proposal until 1884, when a dispute over Morteritos Island in the Rio Grande near Roma, Texas, precipitated the issue. The testimony of General Emory, now retired, decisively influenced the Morteritos settlement, but Mexico and the United States resolved to go a step further and conventionalize the Cushing opinion as urged by Mexico nearly 10 years earlier. In Washington on November 12, 1884, Secretary of State Frederick Frelinghuysen and Mexican Minister Matías Romero signed the "Convention between the United States of America and the United States of Mexico Touching the International Boundary Line where it Follows the Bed of the Rio Grande and the Rio Colorado."  

2. The text is in Malloy, Treaties, 1, 1159-61. The treaty was not finally proclaimed until September 14, 1886, because of a delay in the advice and consent of the U.S. Senate.
The Treaty of 1884 declared that the international boundary would forever remain in the middle of the deepest channel of the two boundary rivers. When the river moved, so would the boundary—provided the move was "effected by natural causes through the slow and gradual erosion and deposit of alluvium and not by the abandonment of an existing river bed and the opening of a new one." If the current cut a new bed or a new deepest channel, however, it would "produce no change in the dividing line as fixed by the surveys of the International Boundary Commission in 1852, but the line then fixed shall continue to follow the middle of the original channel bed, even though this become wholly dry or be obstructed by deposits." As the treaty made clear, property rights in and national jurisdiction over enclaves thus thrown by avulsion to the other side of the river were in no way impaired by their physical attachment to the territory of the neighboring nation. The treaty also outlawed all man-made works along the river that tended to produce artificial change in the deepest channel. This was designed to strengthen the provision of the Treaties of 1848 and 1853 for insuring navigability; no one still seriously intended to navigate the Rio Grande or the Colorado, but the legal fiction was maintained for many years and obstructed for a time the great dam-building programs of the 20th century.

To commit the principles to paper was one thing, to apply and enforce them another. It was not always apparent whether changes in the river had occurred through erosion and accretion or through
avulsion. And even where the natural process of change was clear, the river dwellers whose interests were thereby jeopardized did not hasten to invoke the treaty principles. Boundary disputes, especially in that perennial locus of dispute the El Paso Valley, continued to find their way into diplomatic channels. Quite obviously, some form of machinery to apply the provisions of the Treaty of 1884 to specific situations was badly needed. Again the initiative came from Mexico, and in Washington on March 1, 1889, Minister Romero and Secretary of State Thomas Bayard signed a treaty authorizing the creation of such machinery.³

The Treaty of 1889 called for the formation of an International Boundary Commission, United States and Mexico (hereafter IBC). Each nation agreed to appoint a commissioner, a consulting engineer, and such staff members as proved desirable. From headquarters somewhere on the border, the IBC would make on-the-spot investigations of such river changes as were brought to its attention, decide whether they had been produced by erosion and accretion or by avulsion, and then apply the Treaty of 1884. Man-made works on the river—diversion dams, jetties, bridges, etc.—were also to fall within the purview of the IBC, which could suspend their construction or order their

³. "Convention between the United States of America and the United States of Mexico to Facilitate the Carrying Out of the Principles Contained in the Treaty of November 12, 1884, and to Avoid the Difficulties Occasioned by Reason of the Changes which Take Place in the Beds of the Rio Grande and the Colorado River." Proclaimed on December 26, 1890. Text is in Malloy, Treaties, 1, 1167-69.
removal if they violated the navigability provisions of the Treaties of 1848, 1853, and 1884. To aid its investigations, the IBC could call upon local authorities for papers and information deemed necessary to its duties and could also summon witnesses to testify. When the two commissioners agreed to a decision, it was to be considered binding unless specifically disapproved by either or both governments within one month. If the commissioners disagreed, "both Governments shall take cognizance of the matter" and settle it amicably as specified by the Treaty of Guadalupe Hidalgo.

The Treaties of 1884 and 1889 laid the groundwork for the harmonious resolution of boundary difficulties and for the ultimate stabilization of a notoriously unstable frontier. The diplomats who negotiated them hardly foresaw the evolution of the IBC into a unique international organization that, with one conspicuous exception, was to write a near-perfect record in the amicable settlement of international problems.

The International Boundary Commission

Ratification procedures consumed nearly two years and appointment of officials another two. Not until January 8, 1894, did the IBC formally organize in the office of the Mexican consul in El Paso, Texas. From then on, the United States section maintained offices in El Paso, the Mexican section across the river in Ciudad Juárez—the old El Paso del Norte.
As American commissioner President Grover Cleveland appointed a veteran army officer, Col. Anson Mills, who was promoted to brigadier general in 1897. Mills' experience with the boundary country went back to 1857, when as a youthful surveyor he had tramped the deserts of West Texas and laid out the first plat of the city of El Paso. His 20-year incumbency spanned a period of fruitful activity for the IBC and ended coincident with revolutionary ferment in Mexico that for a time devitalized the commission. The first Mexican commissioner, José María Canalizo, died shortly after the organization meeting. His successors during the tenure of General Mills were Francisco Javier Osorno (1894-98), Jacobo Blanco (1898-1906), and Fernando Beltrán y Puga (1906-14). All, Mills wrote, were "equal in legal and judicial attainments to similar officials in our own government. They sought always to attain righteous decisions and I think succeeded in the many cases that came before us."

The IBC at once found itself concerned largely with a typical kind of river action to which the Treaty of 1884 clearly applied but to which in practical terms it seemed to have little relevance. This was the formation of tracts of land called bancos, which occurred by the score in the Rio Grande Valley below Rio Grande City and to a lesser extent in the El Paso and Colorado Valleys. The river meandered back and forth across the floodplain in a design somewhat like a

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never-ending letter S. In successive sweeping bends, the current ate away the unstable concave banks and built up the convex banks. Ultimately it turned on itself and, usually by a sudden (avulsive) breakthrough, carved a new channel across the remaining neck of land. The result was to throw a pear-shaped tract of land, or banco, from one side of the river to the other—from one nation to the other.

The Treaty of 1884 explicitly provided for this contingency. The change having occurred avulsively, the boundary remained in the old river bed, and sovereignty and property rights in the banco remained with the nation from which it had become physically detached. But the Rio Grande rarely yielded such a stereotyped case. It had a habit of moving away from its new channel into yet newer ones, thus leaving the banco as an enclave of one nation entirely surrounded by territory of the other. Moreover, the river often cut still more bancos to complicate the original complication. And in time farming operations obliterated the dry channels where the boundary was supposed to rest. In short, the alluvial valleys were patchworks of bancos and mazes of abandoned river beds that made determination of the boundary a truly formidable undertaking.

The consequences were anything but academic. The pattern of land ownership along the most densely populated and intensively cultivated stretches of the river became terribly confused. Residents of bancos found themselves physically separated from their country of nationality, with attendant complications for them as well as for political
authorities on both sides of the boundary. And smugglers and other criminals had a field day because law enforcement officers and the courts were uncertain where the boundary lay.

Shortly after its organization in 1894, the IBC proceeded to investigate four banco cases on the Lower Rio Grande that had been persistent local irritants for some years. After examining Bancos Camargo, Vela, Santa Margarita (see map), and Granjeno on the ground and listening to testimony bearing on the time and manner of their formation, Commissioners Mills and Osorno concluded that the principles of the Treaty of 1884 hardly furnished a realistic solution to the banco problem. Both advised their governments that the sovereignty of bancos ought to reside, without alienation of original property rights, in the nation to which they became physically attached. This would eliminate troublesome foreign inholdings from both countries and place the boundary with few exceptions on the river itself.

In anticipation of a new accord to make this possible, the IBC began surveying and compiling records on all the bancos that would be affected if their recommendations bore fruit. It also turned to cases not involving bancos. One, the contested ownership of San Elizario "Island" below El Paso, was decided in favor of the United States in 1896. Another, the dispute over the Chamizal tract in downtown El Paso, raised the one major issue on which the commission could find no mutually acceptable solution. (See Part V, below.)

6. Ibid., p. 283.
BANCO DE SANTA MARGARITA:
A DOUBLE BANCO

TEXAS

RIO GRANDE

TAMAULIPAS

Abandoned Channel

Emory-Salazar Survey Channel 1852

P P P P - Boundary Channel 1852

Dotted Line
Still another, the Horcón Ranch case, brought into play the commission's responsibility for artificial changes in the river. Near Brownsville, Texas, the Rio Grande described two loops. The American Rio Grande Irrigation Company had a pumping station on the upper loop (A), but discovered its whole operation imperiled as the river threatened to cut through the base of this loop (B) and leave it a dry bed. The company therefore dug an artificial cut (C) that straightened the river and relieved the pressure on B. This action, however, made a dry channel of the lower loop and deprived the Mexican farmers along it of their water supply. In 1906 Mexico brought the case before the IBC, which lost no time in finding the cutoff a clear violation of the Treaty of 1884.

**UNITED STATES**

[Diagram showing loops A, B, and C with United States and Mexico labels]
The Horcón case raised the question of the powers of the IBC. The Treaty of 1889 gave it authority to suspend construction of works that violated the Treaty of 1884. But here the change had already been made, and to retrieve it was impracticable. How could the American irrigation firm be compelled to compensate the injured Mexican parties? The answer lay in the courts. In this case the Department of Justice brought suit against the company in the United States District Court at Brownsville. The court found in favor of the United States, and the company paid damages to the landholders who had suffered because of the cutoff. Although the Horcón case represented a victory for the IBC, it also dramatized the limitation on its powers. In other cases the courts were not always so cooperative in upholding and enforcing its decisions.

The Banco Treaty of 1905

Both Washington and Mexico City agreed in principle with the recommendation of their commissioners that bancos ought to be treated in a more practical way than allowed by the Treaty of 1884. But it required a decade of sporadic negotiation before the two governments could devise a mutually acceptable formula for accomplishing the end. The chief difficulty lay in a provision in the Mexican constitution prohibiting the cession of any part of the national domain. The IBC's recommendation that it be empowered to "announce the transfer

of jurisdiction" of bancos would come perilously close, if adopted, to violating the constitution. To satisfy Mexico, the treaty had to avoid the implication that a transfer of territory was involved.

The convention finally concluded in Washington on March 20, 1905, presumably accomplished this, although it left somewhat vague the exact legal process that would govern. Legal niceties aside, however, the Treaty of 1905 did in fact furnish a workable solution to the banco problem.8

The treaty dealt with two classes of bancos--those already surveyed by IBC engineers and those yet unsurveyed or unformed. The former class was covered by a report submitted by the IBC in 1898 containing the surveys of 58 bancos between the mouth of the Rio Grande and the mouth of the Rio San Juan, which enters the Rio Grande from Mexico nearly opposite Rio Grande City, Texas. The Treaty of 1905 declared these bancos "eliminated from the effects of Article II of the Treaty of November 12, 1884." Along this stretch of the river the boundary would follow the deepest channel. "Dominion and jurisdiction" over bancos on the right bank would, by action of the treaty itself, pass to Mexico, while dominion and jurisdiction over such as fell on the left bank would pass to the United States.

The second class of bancos—those surveyed or formed in the future—were to be governed by the same principles. After investigation and survey by the IBC, they too would be "eliminated" from the effects of the Treaty of 1884. If bancos in this category exceeded 250 hectares (617.75 acres) in area or 200 persons in population, however, they were not to be regarded as bancos and would remain as detached areas of the parent nation. In such instances the abandoned river bed would be marked as the international boundary.

Finally, the Treaty of 1905 preserved all rights of individuals affected by it. Residents of eliminated bancos could keep their old or acquire new citizenship as they desired. Owners of property passing to the neighboring nation could sell or retain it as they wished. Property of all kinds in the bancos would be "inviolably respected," and its owners would "enjoy as complete security with respect thereto as if it belonged to citizens of the country where it is situated."

The first series of 58 bancos having been eliminated by the treaty itself, the IBC at once began to investigate bancos that would compose the second series. By 1912 an additional 31, numbered 59 through 89, nearly all of which were formed after the survey of 1897-98, had been examined and surveyed. The IBC "eliminated" these in several meetings held between 1910 and 1912, and all were grouped as the second series in the latter year.  

With elimination of the second series, no further banco work of importance was performed for more than a decade. The IBC itself, in fact, had already embarked on a decade of inactivity. In 1911 it had been enlarged temporarily into an arbitration commission to attempt a solution of the Chamizal dispute (see Part V). The award had pleased neither nation and had been rejected out of hand by the United States. In 1911, too, the long reign of President Porfirio Díaz ended in revolution, and Mexico entered a period of political ferment and strained relations with the United States that lasted until 1923. In 1914, finally, the able commissioners Mills and Puga were removed by their respective governments, Mills to be replaced, in his words, by "a discarded member of Congress, the bare mention of whose name to his former colleagues proved 'a source of innocent merriment.'"\textsuperscript{10} All these influences bore hard on the IBC and converted it, when it could be said to exist at all, into a virtually dormant organization.

But its formative years had been fruitful. Summing up, General Mills wrote: "During the sixteen years of our active service . . . the Commission tried over one hundred cases of all kinds, disagreeing only in the Chamizal case, and preserved the peace and quiet of the entire Rio Grande border for these long years to the satisfaction of both governments and the people of the two nations."\textsuperscript{11} This record

\textsuperscript{10} Mills, p. 301.

\textsuperscript{11} Ibid.
provided the basis for renewed progress once the United States and Mexico began speaking to each other again.

The IBC came to life in 1922 with the appointment as United States commissioner of the colorful George Curry, former frontier lawman, Rough Rider, and territorial governor of New Mexico. The following year Mexico appointed Gustavo P. Serrano as her commissioner. Banco surveys resumed at once, and by 1940 the banco problem had been brought largely under control. In sum, the Treaty of 1905 and the IBC by 1940 had eliminated 172 bancos, 107 of which, totalling 15,906 acres, passed to the United States and 65, totalling 8,075 acres, to Mexico. Two of these were on the Colorado River below Yuma, the rest on the Rio Grande. The disparity in favor of the United States reflected the denser population on the American side of the boundary and the consequent tendency of bancos there to be brought before the commission without delay.

Another 43 bancos were eliminated between 1940 and 1963, but beginning in the 1930s the IBC devoted increasingly less attention to banco work. The inauguration of extensive flood control and water apportionment programs turned the IBC into new and more important fields of activity that, as an incidental effect, promised to slow and in places halt the process of banco formation and thus to reduce the banco problem to minor proportions.

Bancos constituted only one of several river problems whose magnitude, complexity, and urgency increased as the population along the water frontier increased in the opening decades of the 20th century. For one, the floods that periodically ravaged the lower valleys of the Rio Grande and the Colorado now exacted a frightful toll in habitations, farm improvements, and crops. For another, with more and more people depending upon the undependable flow of the boundary streams for irrigation water, the demand at times threatened to exceed the supply. How could the destructive force of the floods be minimized? How should the water supply be fairly divided between Mexicans and Americans? How might the flow be so controlled as to afford maximum benefit from what the streams could offer? These were vital questions to the people who lived on the rivers and hence to the governments in Washington and Mexico City. So vital were they, in fact, that negotiations looking to answers repeatedly collapsed under the weight of unyielding national interest. Not until the problems became so pressing as to admit no further delay did the United States and Mexico join forces for a massive assault upon them.

Early efforts to find a formula for equitable distribution centered on the El Paso-Juárez Valley. In dry years there was not enough water for the people on both sides of the river; and the expanding population of El Paso in the last decades of the 19th century, coupled with extensive irrigation developments underway upstream
In the Mesilla Valley, forecast still worse times ahead. Diplomacy developed cogent arguments on both sides but no solution.

In 1888 the city of El Paso called in Col. Anson Mills, not yet heading the American section of the IBC, to study the problem and recommend a solution. Mills proposed the construction of an international dam in the Pass of the North above town. This would impound the river and conserve water for use below in times of drought. The idea took hold and was later, after formation of the IBC with Mills as United States commissioner, vigorously championed in many quarters. But a British firm had already begun work on a dam farther upstream, at Engle, New Mexico, and it became apparent that the river, with only one major tributary between El Paso and its source, could not supply water to two dams. A long contest ensued between proponents of the two sites. The British were at length knocked out of the picture. And in 1905 the United States Congress, assured that the upstream dam would serve New Mexican as well as El Paso-Juárez needs, authorized the construction of Elephant Butte Dam as a Federal project.

This cleared the way for an accord designed to assure a fair division of water to both Mexican and American inhabitants of the El Paso-Juárez Valley. The Treaty of 1906 provided that, after completion of the Elephant Butte Dam, Mexico would receive 60,000 acre-feet of water each year at the headgate of the old Spanish acequia above Juárez. This amount would be deemed sufficient for all needs on the Mexican side of the valley, and residents on the American side would be entitled to all remaining water in the river as far south as
Fort Quitman, the lower limit of the valley. This arrangement took effect in 1915 upon completion of Elephant Butte Dam and has in general worked to the satisfaction of all parties ever since.

In 1933 Mexico and the United States took another giant stride toward the elimination of frontier irritants in the El Paso-Juárez Valley. Under Commissioners Curry (1922-27) and Serrano (1923-31), the IBC carried out detailed engineering studies of the means by which the river channel might be rectified in the valley from El Paso downstream to Fort Quitman. Their successors, L. M. Lawson and Armando Santacruz, brought the project to fruition. In the Treaty of 1933 the two nations agreed to embark on a joint program of straightening the river in this stretch of the valley, thereby preventing floods and stabilizing the international boundary. The IBC was to direct the project and administer and maintain the resulting works. As the United States expected to reap the greater benefit, it agreed to bear 88 per cent of the cost while Mexico would pick up the bill for the remaining 12 percent.


Canalization work commenced in 1934 and ended in 1938. The project converted a channel of 155 miles length into one of 88 miles and involved an exchange of territory between the United States and Mexico of 5,121 acres, including right-of-way and tracts of land bounded by eliminated loops of the river. Of the latter, 175 were created by the rectification; 66 went to the United States, 85 to Mexico, and 24 required no change of dominion, but neither country lost any territory not offset by gains. The cost totalled about $4 million. Bordered by floodways and imprisoned by levees, the rectified river no longer poses much danger of flood to the El Paso-Juárez Valley, and the difficulties springing from an uncertain boundary line have been obviated altogether. A similar project, carried on concurrently by the United States as a responsibility of the American section of the IBC, straightened and stabilized the river in the Mesilla Valley above El Paso and imparted even greater effectiveness to the international works below the twin cities.\(^{15}\)

The Colorado River and the Lower Rio Grande yielded agreement less readily. Though only 20 miles in length, the international segment of the Colorado produced a vastly disproportionate share of boundary problems. The need for an accord covering flood control and fair apportionment burst dramatically on the United States and Mexico in 1905. For some years the diversion of the Colorado through an American-built canal on Mexican soil into California’s Imperial Valley

had worried Mexicans dependent on its flow. In 1905 their worst fears were realized when the silting of canal intakes finally led the river to surmount its banks and cut a new channel through the Imperial Valley to the Salton Sea. For more than a year, the river emptied into the Salton Sea rather than the Gulf of California, and only massive aid from the Southern Pacific Railroad and the Federal Government enabled the private irrigation firm to restore the stream to its historic bed.

A special international commission was organized in 1908 to study the Colorado question, and in 1912 negotiations commenced looking to the formation of yet another commission with powers similar to or even greater than those of the existing IBC. But the bad relations that set in between the two nations at this time stopped the talks. Meanwhile, attracted by the possibilities of irrigated farming so widely publicized by the 1905 disaster, more and more people flocked to the Colorado lowlands and aggravated the problem still more, while upriver a burgeoning controversy among the states dependent on the Colorado added domestic complications to the international complication. When friendly relations between the United States and Mexico were finally restored in 1923, the Colorado was an item high on the diplomatic agenda.16

Only slightly less pressing was the Lower Rio Grande question. The same commission that in 1908 undertook studies of the Colorado

16. Ibid., pp. 190-95.
also gave some attention to the Lower Rio Grande. But all efforts at a solution broke over the rocklike stand of the Mexican representative, Beltrán y Puga, who also headed the Mexican section of the IBC, that Mexico "should have all the water she needs before the United States gets one drop." There was considerable logic in his argument. Between Fort Quitman and the mouth of the Conchos the Rio Grande is not much of a river and indeed frequently runs wholly dry. Below the Conchos, 70 per cent of the water in the Rio Grande comes from streams, mainly the Conchos, that rise in the mountains of Mexico—the Pecos, Devil's, and lesser American tributaries supplying the rest. Yet by the 1920s, such had been the growth of the agricultural community in the lower valley, American users accounted for 70 per cent of the water diverted for irrigation purposes. With the continued expansion of this population, agreement on fair division of the river waters took an increasing urgency.17

The State Department did not believe that the IBC could handle the matter without another treaty, and in 1924 Congress authorized the creation of another joint commission to explore the possibilities for such a treaty. Mexico refused to cooperate unless the commission were clothed with powers to investigate the Colorado too. In 1928, therefore, the two nations formed the International Water Commission, composed of three representatives of each government, to study the Lower Rio Grande, the Colorado, and even the little Tijuana on the

17. Ibid., pp. 196-99.
coast end of the California boundary. This commission collected a vast quantity of data but could not arrive at agreements upon which a treaty might be founded. In 1932 the commission was dissolved and its functions transferred to the IBC, which continued throughout the 1930s to gather data and to search for the bases of a water treaty.

Deliberations over equitable distribution developed many technical and legal arguments on both sides, but they resolved into one central issue: Mexico insisted on more water than the United States cared to concede her. While investigations and negotiations dragged on, moreover, both nations proceeded with works that lay entirely within their own territory but that, by affecting the behavior of the boundary streams, heightened the urgency for an accord. The United States undertook the Boulder Canyon project on the Colorado, the All-American Canal to the Imperial Valley, and certain works along the Lower Rio Grande, while Mexico constructed dams and reservoirs on the Rios Conchos, Salado, and San Juan. These developments, coupled with continued growth of population in the boundary valleys, finally brought the United States and Mexico to reconcile their divergent views and agree on a cooperative effort aimed at averting what promised to become a critical situation.

The details were set forth in a Water Treaty signed at Washington on February 3, 1944, and in an annexed minute of the IBC incorporating the results of exhaustive engineering and cost studies. The heart

of the treaty lay in agreement to construct, as a joint venture, three international storage dams for flood control and water conservation on the Rio Grande between the mouth of the Conchos and the Gulf of Mexico. The amount of water to be delivered to users on each side of the boundary was specified in detail. The cost of construction, operation, and maintenance was to be prorated between the United States and Mexico in proportion to the amount of water each was to receive. From the Colorado, Mexico was guaranteed an annual share of 11.5 million acre-feet, half a million of which could be delivered at Mexico's option through the All-American Canal to a connecting canal dug on the other side of the line. Finally, the treaty transformed the IBC into the International Boundary and Water Commission (IBWC) and clothed it with vast new powers and responsibilities, mainly to plan, supervise construction, operate, and maintain the international dams and such hydroelectric power and additional flood control works as might prove desirable.

Construction began immediately on the first of the three international storage dams. The Falcón Dam, located about 20 miles up the Rio Grande from Rio Grande City and Camargo, was completed and put into operation in 1953. With associated power plant, it cost about $56 million, the United States bearing 58.6 per cent of the cost of the dam and half the cost of the power plant. Providing a storage capacity of more than 4.5 million acre-feet, Falcón Dam furnishes irrigation water to 750,000 acres of American farmland and 500,000
acres of Mexican farmland. It cost the United States some $37 million but has already saved the United States more than $100 million in flood damages. At the dedication of the work on October 19, 1953, President Eisenhower summed up its meaning: "More than a mute monument to the ingenuity of engineers, this Falcon Dam is living testimony to the understanding and cooperation binding our two peoples." 19

With the completion of Falcon, the IBWC undertook surveys to determine the best place for the second dam authorized by the Water Treaty of 1944. The Amistad site just below the mouth of Devil's River 12 miles above Del Rio and Ciudad Acuña proved most advantageous, and construction of Diablo Dam began in 1963 with completion scheduled for 1967. The estimated cost is $76 million exclusive of power facilities. Of this sum, the United States will pay 56.2 per cent and Mexico 43.8 per cent, while the cost of such power facilities as may be installed will be shared equally by the two nations. Plans for the third dam, construction of which was made optional by the treaty, have not at this writing been matured. 20

For a century the boundary rivers thrust upon the United States and Mexico a wide range of complex and portentous problems that

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19. Joseph K. Friedkin, "History and Background of the International Boundary and Water Commission, United States and Mexico," MS. presented to the ASCE Convention at Houston, Feb. 19-23, 1962. At that time Mr. Friedkin was the Principal Supervising Engineer of the U.S. section of the IBWC. He is now U.S. commissioner.

20. Information from the IBWC.
caused their full share of international discord. The Treaties of 1884, 1889, 1905, 1906, 1933, and 1944 laid the foundation for resolving them all. They were solid diplomatic achievements, as were the implementing activities of the personnel of the boundary commission. Although overshadowed by the more spectacular Indian, filibuster, revolutionary, and bandit violence along the boundary, and thus largely unnoticed by the people of the two nations, the spirit of international cooperation represented by these accords established a trend that culminated in 1963 with the settlement, by the Chamizal treaty, of the last important boundary controversy.
One boundary problem the old IBC could never master—Chamizal. A small tract of about 600 acres bordering the Rio Grande between El Paso and Juárez, it gained its name from a characteristic brushy thicket that once grew there. Although not a banco in shape, Chamizal may be compared with one in size and in its character as a parcel of land that migrated from one side of the river to the other. Yet it assumed a significance far exceeding that of any banco and out of all proportion to its intrinsic value. Part of the explanation lay in its urban location; the stakes here were higher than in most banco situations. Part lay in confusion over the exact process of river action by which the tract had been formed and consequently over how to apply the treaty provisions governing national ownership and jurisdiction. And finally, the explanation lay in considerations of national pride; continued disagreement charged the issue with an emotion that in turn acted to harden the disagreement still more. For nearly 70 years Chamizal persisted as a source of contention and irritation. After the conclusion of the 1944 Water Treaty, it remained the only serious boundary controversy between Mexico and the United States, and its settlement in 1963 represented a diplomatic triumph important primarily for its happy effect on Mexican-American relations in general, secondarily for the local benefits it will produce.
The Problem

As we have already noted, before the river stabilization programs of the 20th century the El Paso-Juérez Valley was a notoriously unstable segment of the river boundary. Winding back and forth on its floodplain, the Rio Grande carved out bancos and "islands" by the score. Most subject to such action was the extreme upper end of the valley, where the Rio Grande debouched from its rock-bound channel through the Pass of the North and in a sweeping arc changed direction from south to southeast. The current in this bend ate away the southern bank and built up the northern. Here the Spanish El Paso del Norte (later Juárez) rose on the right bank in the 17th century, and here the American El Paso rose on the left bank in the middle of the 19th century.

The shifting course of the Rio Grande was no more than an inconvenience to José Ponce de León when he received El Chamizal as part of a land grant from the Mexican Government in 1827, for both sides of the river belonged to Mexico. The trouble came when the United States took over the north side pursuant to the Treaty of Guadalupe Hidalgo. By the time Emory and Salazar fixed the international boundary here in 1852, the river had moved to the south from its 1827 channel by about half a mile. By 1895 it had cut still farther southward from one-fourth to a full mile. Pedro Ignacio García, who inherited El Chamizal from his grandfather in 1866, had a real grievance. Because of the river's movement, his land now lay
on the Texas side of the river, and he had "not dared to occupy my aforesaid land, fearful, as I was ... that some personal injury might befall me from the part of a few North Americans, who supposing this land to belong to the United States of North America, pretended to come into possession of the same." On García's behalf, Mexico brought the case before the IBC on November 4, 1895.¹

It looked like a simple enough question. If the river had changed its course slowly and gradually, the boundary had moved with it and Chamizal belonged to the United States. If the change had occurred suddenly—avulsively—then Chamizal still belonged to Mexico and the boundary remained in the old channel surveyed by Emory and Salazar in 1852. The task for the IBC was to decide by which process the change had occurred and, in keeping with the Treaty of 1884, to define the boundary accordingly.

But the testimony of old settlers and the investigations of IBC engineers showed that the change in the river channel could not be definitively ascribed either to erosion or to avulsion but rather to a process that fell somewhere between the two extremes. The evidence disclosed that before 1864 the channel had moved southward

¹ The first consideration of the Chamizal case is covered in the IBC Proceedings, 1, 42-95, which have been examined in the preparation of this account. Timm, chap. 8, synthesizes them so well, however, that research in depth into this or subsequent sources dealing with the 1911 arbitration was not undertaken. See also Gladys Gregory, The Chamizal Settlement, A View from El Paso (Texas Western College, El Paso, Southwestern Studies, Vol. 1, No. 2, Summer 1963), 52 pp., for a summary of the entire history to the summer of 1963.
slowly and gradually, but that after 1864 it had progressed at a greatly accelerated pace that, while not a sudden or avulsive move from one channel to another, nevertheless was a perceptible and at times violent process. That the Chamizal had been formed in this manner Commissioners Mills and Osorno agreed. The disagreement centered on how to apply the Treaty of 1884 to a situation in which the river action could not be labeled wholly and clearly one of the two processes described by the treaty.

The Mexican commissioner argued that "Any change other than slow and gradual does not alter the boundary line." Everyone agreed that, although between 1852 and 1864 the change had indeed been slow and gradual, after the latter year it had decidedly not been slow and gradual. Therefore, concluded Osorno, the boundary remained as established by Emory and Salazar in 1852, and Chamizal was Mexican soil. Not so, responded the American commissioner. Erosion may be violent and perceptible as well as slow and gradual. Clearly the river had not abandoned an old channel and cut a new one; it had simply moved, at times more rapidly than at others, by a process of eroding soil from the south bank and depositing it on the north. Therefore, as set forth in the treaty, the boundary had moved with the river and Chamizal was American territory.

The dispute thus focused on differing interpretations of the pertinent treaty provision—namely, that the boundary moved with the river if the river moved as a result of "natural causes through the slow and gradual erosion and deposit of alluvium and not by the
abandonment of an existing river bed and the opening of a new one."
Logically this phraseology could admit either the Mills or the
Osorno interpretation. This being true, to Mexico the question now
seemed to demand a different approach, and in 1898 her Foreign
Secretary suggested that it be submitted to the head of a third power
for arbitration. To Washington, however, the case was not one for
"friendly compromise" but for application of established rules to a
specific situation. Perhaps by naming a third commissioner, either
Mexican or American, to sit temporarily with the IBC the established
rules might be made to work. Mexico saw no hope in this solution,
and there the matter rested for a decade.

During this time another boundary matter arose to complicate
the Chamizal question. Droughts in 1895 and 1896 left the Rio Grande
at El Paso-Juárez dry or nearly dry for several months at a time in
both years, and large deposits of sand built up to obstruct the
channel. Too, the river just below El Paso lengthened its course
through erosion and thereby decreased the gradient of the bed. In
May 1897 a great flood poured down the Rio Grande and, encountering
these adverse conditions, spread over much of the two cities. IBC
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might be prevented by an artificial cut across the neck of a river
loop that, intruding on Chamizal on the east, jutted northward into
El Paso.

The United States and Mexican Governments approved the under-
taking, Mexico with the understanding that the boundary would remain
in the abandoned bed, that she would retain jurisdiction over the enclave thus thrown into Texas, and that her position in the Chamizal dispute would in no way be prejudiced. As an intercity project, the cut was completed in April 1899, and in 1907 the IBC placed boundary monuments in the old river bed. In this manner Córdova "Island," a tract of nearly 400 acres of Mexican domain, came to rest on the American side of the river. With title to Chamizal clouded and Córdova projecting incongruously into El Paso, the orderly development of both cities was hampered and all the troubles of a vague boundary, magnified by the urban context, thrust upon Mexican and American authorities.2

In 1907, on Mexican initiative, the two governments resumed the attempt to find a formula for resolving the Chamizal issue. The Mexican ambassador in Washington suggested the formation of a special arbitration commission consisting of the two commissioners of the IBC and a Canadian jurist. Although diplomats debated a variety of plans in the next three years, in the end they came back to the original Mexican idea. By a convention signed on June 24, 1910, Mexico and the United States agreed to enlarge the IBC by the addition of a Canadian member and to empower it as an arbitration commission. The Canadian was to serve as chairman and exercise the same vote as the American and Mexican representatives. Either by unanimous or by majority vote, the commission was to decide which nation, under the

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2. Summary background paper furnished by the IBWC.
Treaty of 1884, possessed title to El Chamizal, and for both governments the decision was to be final and conclusive. With the aid of Canada, Mexico and the United States squared away for another major effort at settling this long-standing source of international discord.

The Arbitration of 1911

The arbitration commission convened in El Paso on May 15, 1911. Eugene Lafleur, former professor of international law at McGill University, was the Canadian jurist and as specified by the 1910 convention served as presiding commissioner. The other two members were the U.S. boundary commissioner Anson Mills and the Mexican commissioner Fernando Beltrán y Puga. The commission reduced the problem to six questions on which the parties to the dispute, through legal "agents," presented arguments and counterarguments and on which the three commissioners then voted.

The first question found Mexico advancing a proposition that ignored the entire history of the boundary. "Was the boundary line established by the Treaties of 1848 and 1853 along the Rio Grande a fixed and invariable line?" Yes, ran the Mexican argument; it was surveyed on the ground and laid down on the map, and the language of the treaties contemplated that it remain there regardless of changes in the river. Lafleur and Mills both pointed out, however, that everything the two governments had ever said and done concerning

the boundary, especially their negotiation of the Treaties of 1884, 1889, and 1905, contradicted the Mexican assertion, and so, too, did all the principles and practices of the international law of boundary streams. By a vote of two to one, the commission rejected the Mexican theory of the fixed and invariable line.

The second question proved the only one on which the commissioners could unite in a unanimous vote: "Has the United States acquired title to the Chamizal tract by prescription?"—by reason, that is, of "undisturbed, uninterrupted, and unchallenged possession" for half a century. The evidence clearly revealed that possession had hardly gone unchallenged by Mexico. It revealed, too, the absence of an ingredient vital to the prescription theory—that possession be peaceable. Any Mexican who attempted to occupy Chamizal risked a violent reaction from American citizens. The fact was well known and had discouraged all such attempts. All three commissioners voted to throw out the prescription argument.

Mexico also hoped to win the case through a negative answer to the third question: "Does the Treaty of 1884 apply to all changes in the river subsequent to the survey of 1852?" The Mexican agent declared that the Treaty of 1884 was not retroactive, that it applied only to river changes that occurred after 1884, and that therefore it could not govern the disposition of El Chamizal. Mills and Lafleur had no difficulty meeting this contention. First, practically all the important changes in the Rio Grande had taken place before 1884,
and to assume that the treaty had no relevance to them was to credit its negotiators with engaging in a largely academic exercise. International law does not admit interpretations that render a treaty provision meaningless; it must be supposed that a treaty is intended to accomplish something. Second, the Treaty of 1884 had been consistently applied retroactively with no objection from Mexico until now. Lafleur and Mills voted yes, Puga no. The Treaty of 1884 applied to the Chamizal case.

The fourth question rolled out the rock on which the deliberations of 1896-97 had shattered. "Was the whole of the Chamizal tract . . . formed by slow and gradual erosion and deposit of alluvium within the meaning of Article I of the Convention of 1884?"

Neither party to the dispute came up with any new arguments. Mexico answered no; part had been formed by rapid erosion. The United States answered yes. The treaty provided for only two kinds of river action, erosion and avulsion, asserted Mills. Chamizal had obviously not been cut by avulsion. Therefore it had to have been erosion—even though faster at some times than at others. On this question the presiding commissioner joined with the Mexican commissioner to vote no. The treaty, he said, clearly qualified the kind of erosion meant as "slow and gradual," and the evidence showed that part of the tract had not been formed by slow and gradual erosion.

The fifth and sixth questions flowed logically from the fourth. "Was the formation of the Chamizal tract up to 1864 due to slow and
gradual erosion and deposit of alluvium within the meaning of the Treaty of 1884?" "Was the whole erosion which occurred in 1864 and after that date slow and gradual within the meaning of the Treaty of 1884?" Given the evidence, the questions dictated the answers. On the fifth Lafleur and Puga voted yes. On the sixth they voted no so far as the period 1864-68 was concerned. In their view changes after 1868, which remained undocumented, could have no bearing on the question, for if the river quit moving by slow and gradual erosion in 1864, then the boundary quit moving with the river in 1864.

General Mills perceived the drift of this reasoning. The majority answers to the fifth and sixth questions pointed inescapably to a division of the Chamizal tract along the line of the 1864 channel. Refusing to vote on either question, Mills maintained that the commission had departed from the terms of the convention creating it and also from the Treaty of 1884. The former empowered the commissioners to award Chamizal to one of the two contestants but said nothing about splitting it between them. The latter defined only two kinds of river action, erosion and avulsion, that affected the location of the boundary; the commission had invented a third, rapid or violent erosion, and made it the decisive factor in the case. And finally, Mills contended that as a practical matter the 1864 channel could not be traced on the ground, and such a solution would therefore prove unworkable.

Based on the vote on the six questions, however, this was the arbitration award announced by the presiding commissioner on June 15,
1911. Title to that part of Chamizal lying between the 1852 and the 1864 channel remained with the United States, and title to the rest passed to Mexico. The problem of finding the 1864 channel was not a matter of law, reasoned Lafleur, but of engineering, and the award decision did not touch on that aspect of the solution. "The difference between tweedledum and tweedledee was never before so accurately defined in diplomacy," editorialized the New York World. "By crossing a street or turning a corner, citizens of El Paso will find themselves under the dominion of another nation and what that will mean in the matter of conflict of laws and encouragement of license may be readily understood. A comic-opera librettist never created a more diverting situation."

Neither Mexico nor the United States was satisfied with the award, and the commissioners of both filed dissenting opinions. Mexico, however, brought herself to accept the decision. The United States did not. International law afforded ample precedent for rejecting an arbitral award that departed from the terms of the controlling convention, in this case the Convention of June 24, 1910. In the view of Commissioner Mills, this document required an award of Chamizal either to the United States or to Mexico; it did not permit an award dividing it. The State Department accepted Mills' reasoning, and on August 24, 1911, the United States formally rejected the arbitral award.

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A second major attempt at settlement had failed, and the failure, under circumstances that could be interpreted as American bad faith, aggravated an already serious controversy. As the standard authority on boundary history has pointed out, however, "the very failure of the arbitration is a patent indication that the nature of the Chamizal matter was not of a sort to lend itself to settlement by that method." Contending that it was instead a matter for conventional diplomacy, Professor Timm foreshadowed the ultimate disposition of the question when he wrote in 1940:

The non-arbitral nature of El Chamizal was touched upon obliquely by William Cullen Dennis, agent for the United States, during the conduct of the case. As he pointed out, the parties had an unequal stake in the question and furthermore, to find for Mexico would mean the creation of many problems rather than the solution of one. It was perhaps fortunate for the United States that in the final award was opened a way by which the United States might escape the consequences of error in judgment, if it may be so called, that allowed the matter to go to arbitration in the first place.5

Fruitless Negotiation, 1911-62

Efforts to find a solution continued intermittently for nearly half a century after the 1911 arbitration. Surprisingly, despite considerable Mexican bitterness over the American rejection of the award negotiations that took place in conventional diplomatic channels between 1911 and 1913 progressed hopefully. Most of the proposals discussed at this time contemplated exchanges of territory embracing

Chamizal with such other trouble spots along the river as San Elizario Island, El Horcón Banco, and Morteritos Island. Negotiations collapsed, however, in the wake of American refusal to recognize the new regime of Victoriano Huerta.

Not until the early 1930s was there cause for renewed optimism. In 1930 the IBC drew up the plan for river rectification in the El Paso-Juárez Valley that formed the basis for the Treaty of 1933 (see p. 102). This plan called for straightening the river in the entire length of the valley from the Pass of the North to Fort Quitman. The rectified channel would be carried across or around both the Chamizal and Córdova tracts. Here was an opportunity to stabilize the boundary between El Paso and Juárez, to treat Córdova together with all the other exchanges of territory the rectification program entailed, and to settle on some formula for routing the river in relation to Chamizal.

In negotiations in Mexico City in 1932, the Mexican Foreign Secretary linked the proposed rectification program with an earlier State Department plan involving the Pious Fund. This was a substantial fund of money set up by Spain and the Catholic Church in 1697 for the support of Jesuit missions in California. The United States claimed it when California became American territory under the Treaty of Guadalupe Hidalgo in 1848. In 1902 the Permanent Court of Arbitration at the Hague, to which the claim had been submitted for arbitration, judged Mexico liable to the United States for an initial payment of nearly $11½ million and subsequent annual payments in
perpetuity of $43,050.00. No payments had been made since 1914. The United States at one time had offered to cancel this obligation in return for clear title to Chamizal. In a treaty combining such an exchange with the agreement on river rectification, the American ambassador and Mexican Foreign Secretary believed they had at last hit on a workable formula. What happened to dash the hope is not yet public knowledge, but the Treaty of 1933 stipulated that river rectification work would begin below the Chamizal and Córdova tracts rather than above as suggested by the IBC. 6

Meanwhile, with the continued growth of El Paso and Juárez, the problems posed by clouded title to Chamizal and the existence of Mexican Córdova Island in the midst of American El Paso grew yearly more serious. With the passage of time, the problems could be expected to become steadily more serious and the prospects of settlement steadily less likely. Such a settlement could come only through rational compromise and, given the complexity, confusion, and emotion that the issue had accumulated in its 67-year history, only through the intervention of the chief executives of the two nations. Perceiving these truths, Presidents John F. Kennedy and López Mateos moved in 1962 to break the deadlock.

The Treaty of 1963

The initiative came from the Mexican President and met a cordial response from the American President. On June 30, 1962, they issued

a joint communique declaring that the State Department and the Ministry of Foreign Relations had been instructed to work together toward a complete solution of the problem. As President Kennedy believed that the United States had acted unwisely and unjustly in rejecting the 1911 arbitral award, the central task confronting the diplomats was no longer to reconcile divergent views but simply to update the 1911 award and fit it to modern conditions. Without prejudice to the juridical bases of their previous positions, both governments sought a practical and just solution. Cooperating closely with the IBWC, the diplomats came up with such a solution, which was incorporated into a memorandum submitted to the two Presidents on July 17, 1963. Approved by them, the memorandum was then reworked into a treaty signed in Mexico City on August 29, 1963, by Ambassador Thomas C. Mann and Foreign Minister Manuel Tello.

The solution agreed to in the treaty promised Mexico substantially what she was awarded by the arbitration commission in

10. Printed, with State Department press release of Aug. 29 and annexed technical minute of the IBWC of Aug. 28, in ibid., Sept. 23, 1963, pp. 480-84. By a vote of 79 to 1, the U.S. Senate advised ratification on Dec. 17, 1963, a little more than a month after the assassination of President Kennedy. Approval of the Mexican Senate is still required.
1911—a boundary along the approximate course of the river in 1864. But the 1963 solution avoids the chief practical drawback of the 1911 solution. Instead of tracing an invisible boundary line through the heart of El Paso, the Rio Grande will be moved back to a course close to its 1864 location and, confined in a concrete-lined channel, constituted as an easily recognized and controlled boundary. The exact route of the relocated river was determined in such manner as to eliminate the troublesome Córdova Island enclave and to cut to Juárez 437 acres of El Paso, the amount both governments agreed that Mexico would have gained by the 1911 award. Thus from Mexico the United States will receive the northern half of Córdova Island, 193 acres. Between the relocated river and the present channel Juárez will absorb 366 acres west of the remaining half of Córdova Island and 264 acres east of it, for a total of 630 acres. This figure represents the original 437-acre claim and an additional 193 acres as compensation for the part of Córdova Island Mexico yields to the United States. (See map and aerial photograph.)

The treaty also defined rather complicated procedures for the transfer of the 630 acres to Mexico. The United States agreed to pass title to Mexico unencumbered. Mexico will then convey title to a private Mexican bank. The bank in turn will pay the Mexican Government the estimated value of the land and the United States Government the estimated value of the structures and other improvements on it. As there are no structures anywhere on Córdova Island,
no monetary problem is involved there. But for the tracts formerly under United States jurisdiction, the task is a formidable one. Before title can be handed to Mexico, the Federal Government must buy out the American property owners and move about 3,725 people elsewhere. In addition it must provide them with housing, schools, and other facilities. Then, in accordance with the treaty, it must join with Mexico, each bearing half the cost, in relocating the river in its new channel and in constructing new international bridges. And finally, it must erect new border control facilities to replace those that will pass to Mexico. The key agency in executing this program is the IBWC, which will actually do most of the work and coordinate the accomplishment by city, state, and other federal agencies of the rest. The whole program will probably cost close to $50 million.11

Although in the Treaty of 1963 the United States yielded almost entirely to the historic Mexican contention, the Chamizal settlement is widely regarded as well worth the price. Forecasting the conclusion of the treaty, President Kennedy on July 18, 1963, declared that the solution "will make a significant contribution to relations between the United States and Mexico and will contribute to the welfare and orderly development of El Paso, Texas, and Ciudad Juárez, Chihuahua." As summed up by the State Department, these contributions are, first, toward Mexican-American relations:

A source of irritation which has troubled United States-Mexican relations for almost 100 years would be removed;

Arbitration would be restored as a means of peaceful settlement of disputes between the United States and Mexico;

The Chamizal as an emotional issue in Mexico, which distorts what otherwise might be a favorable view of the United States, would be removed. Settlement would eliminate use of the Chamizal as the basis for propagating the view, even through the education system, that the United States does not live up to its treaty commitments; and

The Communists and other enemies of the United States in Mexico would be denied one of the propaganda weapons they are using to injure United States-Mexican relations.

Second, the contribution to the welfare of the twin cities:

An international dispute which has seriously impeded the natural direction of growth of El Paso would be removed and harmonious relations between the sister cities of El Paso and Ciudad Juárez would be strengthened;

The development of El Paso, especially traffic circulation and the provision of public utilities, would be materially improved with the incorporation into El Paso of the upper half of Cordova Island;

The cloud on the title to the lands in the Chamizal tract remaining in the United States, which has plagued property owners for some 100 years, would be removed;

The revenue base in El Paso would be considerably enhanced because a blighted area in El Paso would be improved and contribute its fair share to the cost of municipal government;

Settlement of the dispute will at last permit execution of the international flood control measures essential for the proper protection of El Paso;

The international bridges at El Paso could be replaced with structures in harmony with the needs of over 600,000 people who live in the El Paso-Ciudad Juárez area; and

The re-establishment of the Rio Grande as the boundary would facilitate border control, health control and other inspection measures, as well as beautify the river front on both sides of the river.¹²

¹². Quoted in ibid., p. 40.
The Chamizal treaty erased the last border dispute of consequence in the eventful 115-year history of the international boundary. The Mexican War began in a boundary dispute, and the Gadsden Treaty flowed from another. In the former the United States prevailed by violence, in the latter by the implied threat of violence. Thereafter, every boundary dispute and every boundary problem was settled by peaceful means. With Chamizal out of the way, it seems unlikely, given the border improvement programs completed and planned and the well-established machinery for handling every form of border problem, that any dispute of the magnitude of Chamizal can ever arise in the future. The Treaty of 1963 thus stands as a significant landmark in the history of Mexican-American relations, and the works by which it is implemented will stand as a monument to the now mature spirit of friendship and cooperation in which two peoples face each other across the international boundary, United States and Mexico.