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MISSOURI AND THE SANTA FE TRADE.

F. F. STEPHENS.

First Article.

ATTITUDE OF THE NATIONAL GOVERNMENT.

To perpetuate in scholarly and accurate manner the history of Missouri's great inland commerce with the early Southwest, has this series of valuable articles been written. The romance stories of the Santa Fe Trade are legion. Exploited well and widely by newspapers and popular histories they have today become household tales in the homes along the Missouri and the Arkansas. Another side of the Trade, however, has received little attention. This is the economic and legal. Missourians did not engage in this commerce merely through love of adventure, or to struggle with nature over hundreds of miles of plains and desert, to fight treacherous Indians, and wrangle with Mexican officials. Excitement was always luring the pioneer, but love of adventure was not the most powerful magnet. Hope of reward also was present. The big profits, the economic fruits, these induced the bankers, merchants and traders in Missouri to stand back of the Trade.

Dr. F. F. Stephens has investigated this other side of the Trade. The results of his research and study unfold information and new phases of this commercial enterprise of Missouri, never before developed. The value of this work rests not only on its pioneer character, but also on its accuracy. Source material, contemporary records are the foundations of all important statements. No articles of greater value and accuracy have been printed in the Review than these.—The Editor.

1792-1821.

Communication between the Spanish settlements in New Mexico and the French settlements on the Upper Mississippi was not unknown in the eighteenth century but was infrequent. Both the Spaniards and the French seem to have been interested chiefly in establishing and preserving their influence over the intervening tribes of Indians.[1] Even when trade was one of the objects of the French expeditions, Spanish suspicion naturally tended to discourage commercial relations.[2] About twenty years after the French cession of Louisiana to Spain in 1762, the Spanish officials sent Pedro Vial to open up a direct route between the newly established city of St. Louis and the city of Santa Fe. This was done in the years 1792-1793, "the first march overland on substantially the route which afterwards became celebrated as the Santa Fe trail." [3] It does not appear that any commercial intercourse sprang up between the two cities as a result of Vial's work as pathfinder.

Coincident with the transfer of Louisiana to the United States, and during the first few years following, several vain attempts were made to establish commercial relations between Missouri and Santa Fe.[4] These efforts, usually an outgrowth of fur-trading with the Indians, generally ended by the trader finding himself a prisoner in Spanish hands. The Spanish authorities dared not let the prisoners return to their American homes, because it was recognized that the knowledge carried back with them would encourage many future similar expeditions, resulting in American expansion southwestward and American control of the intervening tribes of Indians. It was just at this period of Spanish hostility and suspicion that Lieutenant Z. M. Pike made his

[1] *Stoddard's Sketches*, 45-46.

[2] See Stoddard's account of the French traders "to the Mexican mountains," sometime before 1763; *Sketches*, 147. The expedition here referred to was probably one of those described by H. E. Bolton in his *Texas in the Middle Eighteenth Century*, University of California *Publications in History*, III, 66-68.

[3] Houck, *The Spanish Regime in Missouri*, I, xxiv. On pp. 350-358 of this same volume is a translation of Vial's diary from Santa Fe to St. Louis. See also Bolton's *Texas in the Middle Eighteenth Century*, 133.

[4] Described briefly in Chittenden, *American Fur Trade*, II, 490-500.

famous semi-official expedition to the southwest, 1806-1807. Although not directly sent out by the United States government,[5] the value of his contribution to American knowledge of the geography and people of New Mexico was fully recognized in the United States, both publicly and privately. Pike's "Account" of his journey, first published in 1810, showed how feasible was the route from Missouri to the Spanish settlements, and became the inspiration of many of the later traders.

Two years after the publication of Pike's narrative occurred the most formidable of the early attempts to establish commercial relations with Santa Fe. This was led by Robert McNight, James Baird, and Samuel Chambers. The whole party, consisting of twelve persons, was seized by the Spanish authorities, and imprisoned for nine years, or until Mexico won its independence from Spain.

The United States government never took any very active measures to compel Spain to release these prisoners. The first official action was taken as a result of the representation made of the affair by John Scott, Delegate from the Territory of Missouri, to the Secretary of State, (Monroe) early in 1817, four years or more after the imprisonment of the men. Monroe thereupon, February 8, 1817, wrote to De Onis, Spanish ambassador to the United States, asking that he give his early attention to the subject, and suggesting that a passport be sent overland from St. Louis to the unfortunate prisoners. De Onis replied a few days later that he had no authority to issue a passport, but that he would transmit the documents in the case to the Viceroy of Mexico.

Nearly a year went by, when Scott, on December 29, 1817, again called the attention of the State Department to the case. He gave a brief history of the expedition, and mentioned the names of ten members of the party, some of whom,

[5]Pike was a protege and emissary of General James Wilkinson. Professor I. J. Cox, in his careful and interesting study, entitled *The Early Exploration of Louisiana*, (Cincinnati, 1906) concludes that Pike was sent to the Southwest to obtain information to be used by Wilkinson as a part of one of his secret schemes for a proposed filibustering invasion of Mexico. Although Pike had no knowledge of this secret conspiracy, he did know that his main purpose was to spy out New Mexico, with Santa Fe as his destination.

he said, had brothers in St. Louis who would go to the assistance of the imprisoned men if they could get passports. J. Q. Adams, now Secretary of State, transmitted Scott's letter to De Onis and asked that the latter take further measures to secure the release of the prisoners. De Onis assured Adams, in reply, that he had already called the attention of his government to the case, but that he would make another representation. He also renewed his former declaration that he had no power to issue passports. With this letter De Onis enclosed a copy of his dispatch to the Viceroy of New Spain giving a resume of the case and asking early action.[6]

This seems to have ended all official action on the part of the United States Government in behalf of the prisoners. It seems quite insufficient,[7] but there were at least two extenuating circumstances. In the first place, Spanish power in Mexico had almost disappeared, outside of a very few of the largest cities. The whole country was in such a revolutionary state that even with the best will in the world it is doubtful whether the authorities at the city of Mexico had power to intervene in the case. In the second place, other affairs of much greater national importance were being discussed between the representatives of Spain and the United States; coincident with the last correspondence between Adams and De Onis, mentioned above, Amelia Island had been seized by American troops, and the question of its retention, as well as that of the American relations to the Floridas, was causing much anxiety to the Monroe administration.

TRADE ESTABLISHED UNDER DIFFICULTIES.

Soon after these abortive attempts to secure freedom for American traders occurred two important events in the development of the commercial intercourse with the Southwest. In 1821 Missouri was admitted as a state into the Union, and in the same year Mexico began its career as an

[6]This correspondence is in *American State Papers, Foreign Relations*, IV, 207-209.

[7]Chittenden, in his *American Fur Trade*, II, 497, note, declares: "This disgraceful affair will always remain a blot upon the history of American diplomacy."

independent nation. The admission of Missouri was the natural consequence of the great movement of population westward, in the early years of the nineteenth century. The movement into Missouri had been strong before the War of 1812, though it gained much greater headway in the years from 1815 to 1820. Of special importance to the later development of the Santa Fe trade was the fact that in numbers the population up the Missouri River, in the Boone's Lick country, was rapidly outstripping other portions of the state; and not content with settling down there the immigrants were pushing on a hundred miles further to the vicinity of the later town of Independence.[8]

These frontiersmen were a hardy, aggressive, venturesome class, and many of them in their former states of Kentucky or Tennessee had been familiar since infancy with Indian alarms and with the trials of frontier poverty. The reputed hardship of a trip to the far Southwest had no terror for them. In fact, just as many of the young men of the West a decade or two earlier started out in life for themselves by making a trip down the Mississippi River, so now it soon became common for many of the young men of western Missouri to establish their separate homes from the proceeds of a successful commercial journey to New Mexico. To such adventurers, the admission of Missouri with definite boundaries was a call to share the opportunities and dangers of her furthest limits.

Mexican independence meant at least a partial reversal of the former Spanish policy of exclusiveness and suspicious intolerance of foreigners. To the editor of the *Missouri Intelligencer* in 1823, with his faith in the efficacy of republican institutions to break down national jealousies, the fact of Mexican independence appeared to be the opportunity for the development of commercial intercourse.[9]

Simultaneously with the admission of Missouri and the establishment of Mexican independence came the first really

[8] Shoemaker, *Missouri's Struggle for Statehood*, 37, 42, 71.

[9] "Monarchy bound in chains and threw into prison all those of our unfortunate countrymen whom accident or business brought within its reach; while republicanism extends the hand of friendship and receives them with the welcome of hospitality." *Mo. Intel.*, April 22, 1823.

successful overland commercial intercourse between the American and Mexican frontiers. The man who organized and managed this first expedition was Captain William Becknell. The expedition was evidently temptingly profitable, for in the following year three parties left Missouri for Santa Fe. For the ten years after 1822 the value of the trade rapidly increased. The average annual increase in the amount of profits during this period was about forty per cent, though some years showed a decrease.

This fluctuation was due largely to the effect of Indian depredations on the caravans, a fat year for the Indians indicating a lean year for the traders the following season, and *vice versa*. It was very seldom that a company of traders made the round trip without at least a brush with the Indians, and occasionally the latter made way with a considerable share of the caravan's horses and mules, or even killed the traders themselves. Such newspaper notices as the following were not infrequent:

"We regret to have to state that the company whose departure for Santa Fe we mentioned about four weeks since, have sustained the loss of nearly all their horses. Some Osage Indians, conjectured to be about twenty, followed them eighty miles undiscovered, with a view, as appeared in the sequel, of committing outrage. On the morning of the first instant, at about dawn, while all the company were asleep except two, who, not apprehending danger, had retired from an advanced position to the campfires, they were alarmed by the discharge of guns, and the yells of the savages."

The notice went on to say that the Indians drove off forty-five horses, which were all but eight, that they were unsuccessfully chased for ten miles, that the attack took place three hundred miles from the Missouri settlements, and that six men at once returned for horses and "are already on their way back, so that the enterprise, although subject to vexatious delay and disappointment, will not be defeated by it." [10]

Another obstacle to the success of the traders was the exorbitant rate of tariff duties imposed by the New Mexican authorities, and the indefinite character of the customs regulations. Goods were entered at the custom house without

[10] *Mo. Intel.*, June 17, 1823.

any regard to their invoice prices, valued at from 10 to 150 per cent above cost, and charged a duty with varying rates on that valuation.[11] In addition it was universally suspected by the Americans that the duties were arbitrarily and illegally imposed by the governor of New Mexico.[12]

BENTON FORCES CONGRESSIONAL ATTENTION.

To gain protection from the Indians as well as from the cupidity of the Mexican authorities, the traders could naturally expect little assistance from the government of Missouri. Knowing that such assistance must come from the national government, they sent several communications to the latter in the year 1824. All probably originated at the suggestion of Senator Benton, who was always alive to the interests of the people of his state, and who, as editor of the St. Louis Enquirer years before, had declared his faith in the possibilities of a commercial intercourse with Santa Fe.[13]

Quite likely, then, it was at Benton's suggestion that Governor Alexander McNair wrote to Secretary Adams, April 27, 1824, the first official communication to the national government in behalf of the Santa Fe trade.[14] A few days later, upon motion of Representative John Scott (also a close friend of Benton's in 1824) the House of Representatives passed a resolution calling upon the President for information "in relation to the intercourse and trade now carried on between the people of the United States (and, particularly, the people of the State of Missouri) and the Mexican pro-

[11] *Mo. Intel.*, Nov. 4, 1825. *Ark. Gazette*, Nov. 22, 1825.

[12] Augustus Storrs, one of the traders, gave as the evidence for the suspicions of the Americans, the ignorance of the best informed citizens of the province as to the existence of a legal duty, the belief of a member of the provincial Congress that the duty was illegal, the fact that the custom house officer could produce no commission authorizing him to collect the duty, and the declaration of the governor of New Mexico in 1824 that the duty would be doubled the following year. *Sen. Doc.* 7, 18th Cong., 2nd Ses.

[13] *Mo. Intel.*, Jan. 25, 1825. The congressional action in 1825 in regard to the Santa Fe trade was freely attributed in Missouri to Benton. See an article in the *Mo. Intel.*, May 28, 1825, quoted from the *Mo. Advocate*.

[14] McNair was in Washington on personal and political business. His term of office as governor of Missouri was about to expire and he desired some appointive office. Shortly afterwards he was appointed United States Agent to the Osage Indians. He and Benton were jointly engaged in 1824 in a great political fight against Senator Barton.

vinces; how and by what route that trade or intercourse is carried on; in what it consists, the distances, etc.; the nations of Indians through which it passes; their dispositions, whether pacific or otherwise; the advantages resulting, or likely to result, from that trade or intercourse." [15]

In answer to that request, President Monroe sent a copy of McNair's letter, which he said contained all the information so far collected "in relation to these subjects." This letter, emphasizing the risk of their lives and property to those engaged in the trade, declared that protection should be furnished by the national government, that the Indians should be made responsible for the depredations they were committing, and that the most effectual way of restraining them was to thoroughly impress them with a sense of the superiority of the national government. Governor McNair also suggested the establishment of a United States agent at Santa Fe with consular powers.[16]

No record exists of any further action taken on the subject in that session of Congress, though Benton could report to his constituents that some foundation for later measures had been laid. "A garrison higher up the Arkansas river, treaties with the intermediate tribes of Indians, and a commercial agent in Santa Fe, are among the contemplated measures for the protection of that trade." [17] The Senator saw, however, that to secure this protection from the United States government, it was necessary for him to have more definite information. On his return to Missouri in the following summer he interviewed "many inhabitants—who had been personally engaged in the trade," and who were naturally ready to give him their active co-operation. Petitions for assistance from the national government were drawn up and circulated among them for their signatures.[18]

Benton returned to Washington that autumn fortified with a large amount of personal information. He evidently

[15] *Annals*, 18th Cong., First Ses., p. 2703.

[16] *Ibid.*

[17] *Mo. Intel.*, July 10, 1824.

[18] Printed as *Ex. Papers* 79, 18th Cong., 2nd Ses. Along with the petition was printed a letter from Alphonso Wetmore giving some historical notes on the trade.

intended to bring the subject to the attention of Congress at once, but on December 13 he wrote to the editor of the Missouri Intelligencer that he had been delayed in his plans by the non-arrival of the petitions. "They contain a body of facts upon which we can commence legislation with a good prospect of success." [19] On the next day, however, the petitions were introduced and referred, upon Benton's motion, to the Committee on Indian Affairs, of which he was chairman.[20] About three weeks later he also introduced a letter which he had received from Augustus Storrs, former postmaster at Franklin, Missouri, (the first headquarters of the Santa Fe trade.) This was a detailed description by an educated and responsible person—one who had been personally engaged in the trade the previous summer, of the conditions under which the commerce with new Mexico could be carried on. The letter had been written at Benton's special request and in reply to definite questions which he had proposed. It was ordered printed and was referred to the Committee on Indian Affairs.[21]

Both the petition and the letter emphasized the dangers from the Indians, both declared that treaties ought to be concluded by the United States government with the tribes intervening between Missouri and New Mexico, both asked for the establishment of a military garrison at the crossing on the Arkansas river to help restrain the Indians, and both suggested the marking out of a road upon which the right of an unmolested passage should be secured. The petition recited that the Indians "presented the only obstacle to the successful prosecution of the trade upon a large scale," while Storrs, though recognizing the difficulties in this regard, believed that there was "more reasonable apprehension of embarrassment" to the trade from the Mexicans than from the Indians. Together the two documents made up the

[19] *Mo. Intel.*, Jan. 25, 1825.

[20] The petitions must have arrived in just the nick of time, for on the 13th Senator Barton had introduced a resolution referring the subject to the Committee on Military Affairs. *Niles' Register*, 27, 250. Naturally Benton desired the subject referred to his committee.

[21] Printed as *Sen. Doc.*, 7, 18th Cong., 2nd Ses. Is also in *Niles' Register*, 27, 312-316.

"foundation of fact" which Benton had desired in order to secure favorable action from Congress.

TRAIL SURVEYED IN 1825.

Within a few days after the introduction of Storrs's letter, the Committee on Indian Affairs had drawn up and reported favorably a bill providing for the appointment of commissioners to mark out a road from Missouri to the international boundary line in the direction of Santa Fe.[22] The continuation of the road through Mexican territory to New Mexico was authorized, under such regulations as the President might conclude with the Mexican government. The commissioners were to secure the consent of the Indians, both for the establishment of the road and for its unmolested use by the traders. For the various purposes of the bill, $30,000 was appropriated, of which $20,000 was to be used for treating with the Indians. The Committee based its recommendation for $10,000 for the road upon a calculation that the work would require the services for six months of three commissioners, one clerk, one surveyor, two chain-carriers, six laborers to throw up mounds, and fifteen riflemen to act as guards and hunters.[23]

In presenting the bill Senator Benton again pointed out the losses to which the trade was subjected by Indian depredations on the way, and by arbitrary exactions on the part of the Mexican officials. For relief, the traders needed the right of an unmolested passage, and the protection of American agents at Santa Fe and Chihuahua. Since the President had it within his power to appoint such agents (with the ratification of the Senate) at any time, this bill simply undertook to secure a safe passage over the prairies. As to the petition for the establishment of a military post near the place where the Arkansas river was crossed by the caravans, the Senate Committee thought the request a reasonable one, but decided that this also could be granted by the President, without legislative aid.[24]

[22]Gales and Seaton, *Register of Debates*, Appendix, 106.

[23]Benton to Nathaniel Patten, *Mo. Intel.*, March 1, 1825.

[24]Benton to "The Citizens of Missouri," March 3, 1825, in *Mo. Intel.*, April 5, 1825.

Considerable opposition of a constitutional nature developed in the Senate against the second section of the bill, providing for the continuation of the road to New Mexico. It was argued that if it were unconstitutional for Congress to provide for the building of roads within a state, it was even more so to make such provision for a road within the territory of a foreign power. This was answered by the statement that the bill provided not for the construction but simply for the marking out of a road, and even that was to be done only after negotiations with the Indians and with Mexico. The attempt to strike out the second section was defeated,[25] and the bill was passed and sent to the House.[26]

No record exists of any debate in the House of Representatives over the bill. It was passed March 2 without amendment, and was approved by the President the following day. Within two weeks the incoming President appointed Benjamin H. Reeves and George C. Sibley of Missouri, and Pierre Menard of Illinois as the commissioners to mark out the road. All three men were well known throughout the West. Reeves had been a member of the Kentucky legislature, had later moved to Missouri and been a member of the territorial legislature, became a member of the Constitutional Convention of 1820, and was elected state auditor in 1821 and lieutenant-governor in 1824.[27]

[25] *Register of Debates*, I, 356-361.

[26] Benton immediately notified his friends in Missouri of his success in the Senate. In a letter to the editor of the *Mo. Intel.*, Jan. 27, 1825, he wrote: "You will see by the papers of this day, that our important bill for a road to Mexico has passed the Senate by a triumphant majority. I expect that it will also pass the House of Representatives. For this gratifying success in a measure of so much interest in Missouri, and having so much to dread from its novelty, we are indebted to the *solid foundation of facts* which was laid at Franklin last October, in the 'ANSWERS' of Mr. Storrs, and the petitions which were then drawn up. I applied also to the members of the Legislature at St. Charles to send a memorial on the same subject, which has not yet arrived; but I still hope that it may come in time to assist Mr. Scott in the House of Representatives." *Mo. Intel.*, March 1, 1825.

The memorial to which Benton refers was passed unanimously by the Missouri Senate Dec. 15, 1824, but there is no record of its passage in the House. *Senate Journal*, 1824-1825, 108; *Mo. Intel.*, Jan. 18, 1825. The memorial is a strong statement of the value of the trade, not only to Missouri but to the entire country, and a plea for protection, especially against the excessive duties.

[27] Shoemaker, *Missouri's Struggle for Statehood*, 149, 209; *Mo. Intel.*, Oct. 3, 1835.

Sibley was a fur-trader and had been a United States factor at Fort Osage previous to the abolition of the factory system.[28] Menard, the third member of the commission as originally constituted, had been prominent in Illinois for several years, had the reputation of being particularly influential with the Indians and was thus considered well fitted for such service. He was negotiating at this very time for their removal from the region north of the Ohio to reservations west of the Mississippi, and could not serve on the commission. Therefore a fellow-citizen of Illinois, Thomas Mather,[29] was later substituted in his place.

By the latter part of June, the commissioners had organized their expedition, secured their assistants and gathered together their supplies, and on July 4 they left Franklin for Fort Osage.[30] Work was begun from the latter place July 17, and completed to the Arkansas river by September 11, 1825. In the following summer, consent having been secured from the Mexican government, the route was surveyed from the border on the Arkansas to San Fernando, the nearest of the Mexican settlements.[31]

The commissioners also conducted successful negotiations with two tribes of Indians, the Osages and the Kanzas. With each of these a treaty was concluded providing an unmolested passage for commerce through their territory. In return each tribe was to receive merchandise and money from the United States amounting to $800.[32]

In the meantime, President Adams had appointed United States consuls to reside at Santa Fe and Chihuahua, Augustus Storrs and Joshua Pilcher respectively.[33] The other point left to executive authority, the establishment of a military post at the crossing on the Arkansas, was forcibly

[28]Thwaites, *Early Western Travels*, V, 66.

[29]*Ibid.*, XIX, 197.

[30]*Mo. Intel.*, May 28 and July 9, 1825.

[31]The *Eighteenth Biennial Report* of the Kansas State Historical Society, 117-125, contains the field notes of the surveyor of this expedition, Joseph C. Brown. An article by William R. Manning in the *Mississippi Valley Historical Review*, I, 516, describes the negotiations between the United States and Mexico over the survey of the road beyond the Arkansas.

[32]*Am. St. Papers, Indian Affairs*, II, 610, 672. The treaties were ratified by the U. S. Senate May 9, 1826.

[33]*Niles' Register*, XXVIII., 44. Pilcher was a prominent fur trader.

presented by Senator Benton in a letter to the Secretary of War, March 18, 1825. Secretary Barbour replied that information on this matter was being collected, by which he might be enabled to make an intelligent recommendation to the president.[34]

On the whole, it seemed in 1825 that the general government had begun a policy leading to ample protection of the overland trade. Missouri papers and speakers were quick to commend this evidence of good will, and it was freely prophesied that great advantages would accrue to Missouri and to the whole Mississippi valley. The amount of traffic, that barometer of trade conditions, doubled in 1825 and tripled in 1826 over 1824.

ST. LOUIS MERCHANTS PETITION CONGRESS.

It soon became evident, however, that tariff conditions in New Mexico remained unfavorable. Traders returning in the autumn of 1825 complained of the heavy duties imposed upon them,[35] a situation which should be remedied, they asserted, by a treaty between the United States and Mexico. Another solution of the problem appeared in a "letter from a highly respectable source to a Senator of the United States," written at Santa Fe, February 9, 1826. The author of this letter believed that the New Mexican consumption of American cotton goods might be nearly doubled if the very high tax were reduced to a reasonable rate, and he thought this could be accomplished by making St. Louis a port of entry and delivery. "The duty on our white cotton stuffs," he wrote, "the kind most in demand, is *ad valorem*; but inasmuch as the officer of the customs here cannot know with any certainty the actual cost of goods at St. Louis, for want of properly authenticated invoices, the law requires him to value all white goods of that description at fifty cents per yard, and thereupon to tax the duty.[36]

As a matter of fact, the merchants of St. Louis had already, November 13, 1825, drawn up a memorial to Congress

[34] *Mo. Intel.*, July 2, 1825.
[35] *Ark. Gazette*, Nov. 22, 1825; *Mo. Intel.*, Oct. 21, 1825.
[36] *Ark. Gazette*, July 11, 1826.

to make their city a port of entry and delivery.[37] Their statement did not mention directly or indirectly the Santa Fe trade, but it was generally believed that the establishment of a port of entry at St. Louis would facilitate that trade. This idea had been expressed by a writer for a St. Louis paper the previous summer, when he said, "Our means of obtaining the articles suited to the trade are now easy, and will no doubt be rendered much more so by making St. Louis a port of entry."[38]

When Congress met in December, Senator Benton submitted the memorial from the merchants, and it was referred to the Senate Committee on Commerce.[39] This Committee complicated the situation, as far as St. Louis was concerned, by reporting a bill March 20 for the establishment of ports of entry and delivery at *three* new western cities, Cincinnati, Louisville, and St. Louis. When the bill came up for discussion in May, considerable opposition developed and it was finally postponed to the next session of Congress. The chief objection urged against it was the large number of additional revenue officers which it would create, thus adding to the executive patronage.[40]

PROTECTION DEMANDED FROM INDIANS.

In the meantime the Indians resumed their thieving raids upon the traders. The treaties of 1825 generally prevented any serious later trouble with the Osages and Kanzas, but the Pawnees and Comanches continued troublesome. The former lived within the United States, but their territory was not crossed by the Santa Fe road, and so the commissioners under the law of 1825, not regarding them as "an intervening tribe," had not felt at liberty to conclude a treaty with them. The Comanches were beyond the Arkansas river in Mexican territory, unquestionably beyond any jurisdiction of the United States. The latter tribe was regarded by the traders as the worst nuisance on the prairies.

[37] *Sen. Doc.*, 9, 19th Cong., 1st Ses.; *Mo. Intel.*, Feb. 8, 1826.
[38] *Mo. Intel.*, May 28, 1825, quoted from the *Mo. Advocate.*
[39] *Mo. Intel.*, Feb. 1, 1826.
[40] *Register of Debates*, II, 705-708. Senator Benton of course favored the bill while Senator Barton voted against it.

Ordinarily these Indians confined their activities to an attempt to stampede and make way with the horses and mules belonging to the caravans, though upon occasion they did not hesitate to attack and kill the traders themselves.[41]

In his biennial message to the General Assembly of Missouri, November 21, 1826, Governor John Miller declared that it was evident that a further degree of protection than that authorized by the congressional act of 1825 was necessary. He recommended Benton's former suggestion of the establishment of a military post at the crossing of the Arkansas to keep in check the lawless tribes within the American boundaries. A corresponding arrangement on the part of Mexico would provide an efficient defence all the way from Missouri to Santa Fe. "When we consider the vast expenditures which the government of the United States cheerfully encounters for the protection of maritime commerce—a policy correct and necessary, it would seem that the expense of such a post, as is spoken of on the Arkansas river, with an escort of 50 or 60 men, might readily be encountered for the protection of our inland trade with Mexico." [42]

The Missouri legislature took no action on this portion of the governor's message, except to refer it to the committee on the militia. When Congress met a few days later, however, Senator Benton sent to Secretary Barbour that portion of Governor Miller's message recommending the establishment of a mounted military force at the crossing of the Arkansas, and expressed the hope that this solution of the Indian problem might now be tried.[43] About the same time, Senator Barton introduced a resolution instructing the Committee on Military Affairs to inquire into the expediency of establishing such a military post.[44]

The military committee referred the resolution to Barbour, who in turn referred it to General Jacob Brown, ranking officer of the army. The latter reported his views briefly January 10, 1827. He called attention to the nature of the

[41] *Mo. Intel.*, April 14, Oct. 26, 1826; Gregg, *Commerce of the Prairies*, 5th ed., I, 26-27.

[42] *Sen. Jour.*, 4th Gen. Assem. of Mo., 15-16.

[43] *Mo. Intel.*, Feb. 22, 1827.

[44] *Ibid.*, Jan. 25, 1827.

service required, the protection of parties of traders; this made it essential that the military aid should be of a different character than that of a fixed garrison of infantry. He also mentioned the difficulties of supplying and reinforcing a garrison so far removed from the resources of the country. "Should the object in view, however," he reported, "by its importance, seem to justify such a measure, I should recommend that two companies of infantry, supported by two other companies of mounted troops, be dispatched to some eligible position on or near the Arkansas river, erect a cantonment for rendezvous, and engage from this centre in the itinerary service requisite for the accomplishment of the desired object.

"*Without* the full force which I have suggested, especially of the cavalry arm, I should judge it inexpedient to make the movement. *With* this force it is presumed that the trade might be secured and the garrison placed beyond the probable reach of disaster." [45]

Secretary Barbour immediately sent General Brown's report to the Senate Committee on Military Affairs and to Benton personally, expressing his full concurrence in its views. This correspondence was soon published in the Missouri papers, and was interpreted as being favorable to the establishment of the military post. Missourians took it for granted that the importance of the trade was well ascertained and generally admitted. It was thought that the military force would become less important as the commercial communication with New Mexico increased, and that in time it might be altogether withdrawn.[46] Nothing more was done in this session of Congress, except that the Committee on Military Affairs reported General Brown's letter to the Senate before adjournment.[47]

The following summer was an unusually prosperous season for the traders. The amount of goods taken out to Santa Fe was somewhat less than in the previous year,[48] but every published account of the return of the traders

[45] *Am. St. Papers, Mil. Affairs*, III, 615.
[46] *Mo. Intel.*, Feb. 22, 1827, quoted from the *Mo. Herald.*
[47] *Am. St. Papers, Mil. Affairs*, III, 615.
[48] This is on the authority of *Gregg*, II, 160.

spoke of their great profits, often amounting to 100 per cent.[49] No reports of Indian difficulties of any moment reached the settlements, and no complaints of the Mexican tariff were made. All this meant a great expansion of the overland commerce in 1828.

The value of the goods taken out in 1828 was twice as great as in any previous year and the number of wagons and men employed was approximately twice as large. But when the traders reached Santa Fe they found to their chagrin that a new tariff had gone into effect, not only raising the duties on many articles, but also prohibiting the importation of many things which they customarily carried. These tariff changes reduced the profits very materially.[50] On their way home the traders suffered severely from the Indians. Two young men belonging to one caravan and one man belonging to a second were shot and killed. The first company was robbed of nearly a thousand head of horses and mules, while the second lost all its animals, and the men were forced to abandon their wagons, walking the hundreds of miles back to Missouri.[51]

When the Missouri legislature met in November, 1828, Governor Miller called its attention to the severe check given to the trade by the murders and robberies. "Similar outrages have been committed before," he said, "and may be expected in the future. The General Government has been applied to for protection—for *even* the establishment of a military post on the Arkansas. It has not been granted. Protection to our maritime trade is extended by the Government, to our merchants and other adventurers, in all parts of the world; and we have a right to expect and demand it for our inland trade to Mexico."[52]

Almost coincidentally with the publication of the governor's message appeared an official notice in the Missouri papers from the Indian Agent on the Upper Missouri that 1500 Pawnee warriors had started on a marauding excursion

[49] See for instance *Mo. Intel.*, July 19, Sept. 20, 1827.

[50] *Ibid.*, July 4, 1828; *Old Santa Fe*, I, 259.

[51] *Niles' Register*, XXXV, 214; *Gregg*, I, 27-29. Gregg says that these three men were the first to be killed in the overland trade; *Gregg*, II, 160.

[52] *House Jour.*, 5th Gen. Assem. of Mo., 13.

against the whites. Warning was given that the Indians were expecting to gain the most plunder on the Santa Fe road, but that if they failed to gratify their rapacity there they would doubtless fall on the frontier settlements. They had declared their determination to scalp all white men whom they met, without exception.[53]

These circumstances gave rise to the first memorial to Congress from the Missouri legislature on the subject of the protection of the Santa Fe trade. The memorial, approved by the governor December 26, gave a brief history of the trade with the Mexican provinces, and then mentioned the "great losses" to the traders from the professedly friendly tribes as well as from the wandering hostile tribes. "During the present year," it related, "several citizens have been killed, and losses have been sustained to the amount of about forty thousand dollars." Protection by the national government was important because it could not be constitutionally afforded by the state. The establishment of a military post on the Arkansas, with an escort of 70 or 80 mounted men for the traders, was urged. This would effectually protect the trade, and the frontier settlements as well. "Savages are restrained by nothing but *force*; and we have good grounds to apprehend, that unless a military force be placed among them, they will not only repeat their aggressions on our trading parties, but that ere long, they will make inroads on our frontier settlements. We have the authority of an experienced Indian agent for saying that the Pawnee Indians, a powerful tribe, are now much disaffected toward us, and are determined to spare no white man who falls in their way. If the post be established, and the escort as herein before mentioned be furnished, we shall have full security for our traders and others within our territory; and if the Mexican government could be prevailed on to afford protection within their territory, this important and heretofore flourishing branch of trade would be amply secured. Your memorialists * * * confidently expect that some relief will be afforded them." [54]

[53] *Mo. Intel.*, Nov. 14, 1828.
[54] *Ses. Laws of Mo.*, 5th Gen. Assem., 75-78.

This document was sent at once to the United States Senate, where it was introduced and ordered printed.[55] It aroused sentiment in both houses. In the Senate Mr. Barton submitted a resolution, January 21, 1829, calling upon the Committee on Military Affairs to inquire into the matter of the further protection of the trade.[56] Three days later, Mr. Bates, Representative from Missouri, submitted a similar resolution in the House.[57] The Senate Committee, of which Mr. Benton was then chairman, in less than a week introduced a bill authorizing the President to have four companies of infantry mounted. This force was to be employed in securing the frontier settlements against Indian attacks, as well as in protecting the caravans engaged in the inland trade with Mexico. To meet the expenses incurred in mounting these troops, $38,500 was to be appropriated. The bill passed the Senate but was never acted upon in the House.[58]

The latter body had before it for consideration another bill, quite different from the Senate bill in its provisions, though looking toward the same purpose. It provided that, for the necessary protection, four companies of Missouri militia should be raised and drafted into the federal service for a period not to exceed four months. The members of these companies were to equip themselves at their own expense, but were to be paid for their services by the national government.[59] This bill failed of passage by a large vote, and Congress adjourned without any legislation upon the subject.

THE RILEY ESCORT, 1829.

Great disappointment was felt in Missouri at the congressional failure to provide adequate protection. Assistance was soon forthcoming from another source, however. Within a few days after Andrew Jackson was inaugurated President, the incoming Secretary of War, John H. Eaton, issued an order to General Atkinson, commanding the western division

[55] *Sen. Doc.*, 52, 19th Cong., 2nd Ses.
[56] *Mo. Intel.*, Feb. 13, 1829.
[57] *Ibid.*, Feb. 20, 1829.
[58] *Ibid.*, Feb. 20, March 20, March 27, 1829.
[59] *Mo. Intel.*, March 6, 1829. The editorial comment was that the bill was "entirely inadequate."

of the army, to send four companies of infantry (unmounted) to accompany the Santa Fe traders as far as the international boundary line on the Arkansas river. The detachment was to encamp there until the following October, when it would accompany the returning traders to Missouri.[60]

As these troops would go only to the Arkansas river, the governor of Missouri decided that it would be necessary to raise a company "of our citizens" to escort the traders from the Arkansas to Santa Fe, and back again to the river. Governor Miller announced that to assist the enterprise he had secured from General Atkinson the loan of a six-pounder with ammunition, and also pistols and sabers for the company.[61] This undertaking was given wide publicity through the press, in order that the company might be speedily organized.

The publication of General Atkinson's notice of the intention of the government to provide an escort, and of Governor Miller's resolution to raise an additional company of Missouri troops created considerable excitement in Missouri. Partisan politics had become so violent as to cause practically every official action to be condemned by one side and praised by the other. This proposed expedition was no exception. The editor of the Missouri Intelligencer hooted at the idea that the government troops were really for protection, and spoke of the expedition as "an electioneering maneuvre of the Government for popularity." [62] The editor of the Missouri Republican pointed out that the greatest danger was beyond the Arkansas, and that therefore the escort of government troops was useless, and worse than useless because it would excite the Indians and provoke them to make an attack after the Arkansas was passed. It was also pertinently asked how General Atkinson could undertake to furnish arms and munitions of war to men not called into the service of the United States, since Congress had made no appropriation to defray the expenses of the expedition.[63]

[60] *Mo. Intel.*, May 1, 1829; *Niles' Register*, XXXVI, 182, 199.
[61] *Niles' Register*, XXXVI, 199.
[62] *Mo. Intel.*, May 1, 1829.
[63] *Mo. Intel.*, May 8, 1829, quoted from the *Mo. Republican.*

Another question, one which excited comment all over the country, was that of the authority by which Governor Miller sent an armed force into the territory of a friendly power.[64] On the other hand, Governor Miller's political friends in Missouri were not disposed to question his power so long as they were convinced that it was being exercised for the benefit of Missouri and for the protection of the lives and property of the citizens of the state. They also felt that the escort of government troops would have the effect of overawing the Indians, both before and after the Arkansas was passed.[65]

Governor Miller's plan of a volunteer escort beyond the Arkansas had to be given up, however, because the volunteers were not forthcoming. At a meeting to organize the traders and raise the company of volunteers in Howard County, the center of the Santa Fe trading interests in Missouri, only five persons enlisted for military service.[66] Later efforts to increase the enrollment failed, and the governor's plan was therefore abandoned. The traders were disheartened, and owing to the feeling of insecurity less than half as many went out in 1829 as had gone the previous year.[67]

The United States detachment of troops, commanded by Major Bennett Riley, accompanied the traders to the Arkansas river. Within six hours after they had left him they were attacked by the Indians, and one merchant was killed. Apprised of the situation by an express rider, Riley immediately crossed over into Mexican territory and soon came up to the caravan, finding it surrounded by the Indians. The soldiers accompanied the merchants two days longer, and then returned to the encampment on the Arkansas. Here they were attacked several times within a few days, four men were killed, and seventy-five head of horses and oxen were driven off. "Think what our feelings must have been," wrote Major Riley in his report, "to see them going off with our cattle and horses, when, if we had been mounted, we could have beaten them to pieces; but we were obliged to

[64] *Niles' Register*, XXXVI, 199.
[65] *Mo. Intel.*, May 15, 1829, quoted from the *St. Louis Beacon*.
[66] *Mo. Intel.*, May 8, 1829.
[67] *Mo. Intel.*, May 8, June 12, 1829.

content ourselves with whipping them from our camp." After several skirmishes the Indians withdrew, and the troops were left in peace for the next two months. About the middle of October the traders arrived from Santa Fe under the guard of a strong detachment of Mexican troops. The latter reported the loss of three men in a brush with the Indians.[68]

The caravan finally reached Missouri early in November, and reported that despite all the losses from the Indians profits had been unusually high, one hundred per cent or more on the investment. It was generally felt, however, that without the aid of the military escort from the United States and from Mexico, the expedition would have suffered as severely as those of the previous year, and the inland trade would have been destroyed. "President Jackson has saved it this year by doing all that he could—granting an escort of infantry; let Congress at the ensuing session perform its part by granting an appropriation for mounting and properly equipping that escort." [69]

GOVERNMENT FAILURE TO PROTECT TRADE.

When Congress met several petitions from Missouri were presented, urging legislative protection. The annual report of the Secretary of War suggested also that the trade was proving beneficial and merited some attention from the government.[70] But Congress seemed as little disposed as ever to take favorable action. In the Senate the problem as usual devolved upon the Committee on Military Affairs. It reported a bill authorizing the mounting and equipping of such a number of troops as the public service might require, not exceeding ten companies, for equipping which it was proposed to appropriate $52,500.[71]

When the bill came up for discussion, March 23, 1830, Senator Benton stated that one object of the measure was to give protection to the trading caravans between Missouri

[68] Report of Major Riley, *Am. St. Papers, Mil. Affairs*, IV, 277.
[69] *Niles' Register*, XXXVII, 274.
[70] *Am. St. Papers, Mil. Affairs*, IV., 154.
[71] *Niles' Register*, XXXVIII, 57, 101.

and Mexico, "caravans which annually bring home large sums of gold and silver, and now experience continued losses, in lives and property, for want of the species of protection which this bill proposes to give." He made a long argument in favor of the bill, which, in conclusion, he said it was necessary to pass at once, "as the Santa Fe caravan would set out from Missouri in May." [72] Even this appeal for immediate action failed of any results and the bill was not passed. The traders gave up hope of help from Congress and determined to rely upon themselves. A much larger number than usual went out in 1830, under an efficient organization of their own, "without waiting longer," they said, "on our dilatory and *speech-making* Congress, for the long-expected escort." [73]

The members of this expedition of 1830 were happily disappointed, for when they returned they reported that they had encountered no opposition from the Indians, either going or coming. They must have felt, however, that this was an exceptional year. When the legislature met in its regular session in November, the governor again referred to the subject of assistance from the national government. He declared that favorable action was "imperiously demanded," not only for the protection of the trade, but also for the general security of the frontier and the preservation of order among the tribes themselves.[74] Following the lead of the governor, the General Assembly took action by sending a second memorial to Congress, more concise and vigorous than the previous one. It called attention to the need for defence from the Indians, not only for the traders but for the home people as well. "Were Missouri to consult the chivalrous feelings of her sons," the legislators declared, "she would stand by her own means of defence, and would scorn to ask for succor from any quarter; but it behooves her, in following the strict line of her duty under the law, to pursue a different course and to look to the general government, whose province it is to provide for the general defence." "The nature of man is but too well known to be such, as to make it incumbent

[72] *Abridgement of Debates*, X, 497-500.
[73] *Mo. Intel.*, May 22, 1830.
[74] *Sen. Jour.*, 6th Gen. Assem. of Mo., 12.

upon those who desire and expect peace, safety and quietude, always to be in a state of readiness, not only for defence but also in their turn for annoyance." The memorial suggested that if Congress would authorize the enlistment and equipment of a battalion of rangers, the most efficient and most acceptable kind of troops for the service desired, the men would be cheerfully supplied by Missouri herself.[75]

This prayer for assistance failed to make a sufficient impression upon Congress to secure favorable legislation. Just before adjournment in March, a resolution submitted by Senator Benton was adopted. This called upon the President to furnish the Senate with authentic information at the beginning of the next regular session of Congress as to the number of persons killed in the overland trade, the number and amount of robberies, the number of persons engaged in the trade, the amount of capital required and the proceeds, and the disadvantages under which the traders labored with the necessary measures of relief and protection for them.

The resolution was referred by the President to Secretary of War Cass, who instituted a searching investigation during the summer and autumn of 1831, and who made his report the following February (1832).[76]

The Cass report, dealing with the fur trade as well as with the inland trade with Mexico, gave a large mass of detailed information. It was made up largely of letters from various traders and trappers, and from officials in the Indian Agencies. They declared and reiterated that the Indian peril could be remedied only by an exhibition of military strength. "It is quite time," said Cass, "that the United States should interpose, efficaciously, to put a stop as well to the depredations of the Indians against our own citizens, as to their hostilities among themselves." William Clark, Superintendent of Indian affairs at St. Louis, declared that the roving tribes had no idea whatever of the power of the United States and that unless some effectual mode were speedily adopted to inform them on that subject, the injury to hun-

[75] *Ses. Laws of Mo.*, 6th Gen. Assem., 125-126.

[76] *Sen. Doc.* 90, 22nd Cong., 1st Ses. The report covers 86 printed pages.

dreds of citizens would be severely felt. It was pointed out that for this purpose the infantry was practically useless.

The warnings contained in the report were given a distinct prophetic tinge by the commencement within a few days of an Indian war on the northwestern frontier, the Black Hawk War. Under the stimulus of the Cass report, and in the presence of this new danger, Congress responded in the spring of 1832 by passing a bill authorizing the President to raise a mounted force for the protection of the frontiers. It was not definitely stated that this force would be used in protecting the traders, and therefore in the summer of 1832 they made application to President Jackson for a force to meet them at the Arkansas on their return home to conduct them safely to the frontier. This request was promptly granted, though it came so late that the soldiers were unable to reach the Arkansas before they met the traders.[77] In his annual message to Congress, December 4, 1832, Jackson spoke of the increasing internal trade carried on between Missouri and New Mexico, "under the protection of escorts furnished by the national government." [78]

Very little was said about danger to the traders from the Indians after 1832. The subject was never mentioned again in a gubernatorial message or a legislative memorial. The traders had at last learned that they must rely upon themselves, and above all had found that if they united in one strong caravan and formed an effective organization, military in its character, they could stand off any body of Indians they were likely to encounter. In 1833 and again in 1837 small caravans were attacked, and suffered considerable loss, but these occurrences simply emphasized the necessity of unity and co-ordination among the merchants. According to Josiah Gregg, there was an escort of United States troops furnished in 1834 and one in 1843,[79] and the newspapers occasionally spoke of forces of dragoons accompanying the caravans.[80] Such protection seems to have been the exception rather than the rule.

[77]Message from Gov. Miller to the legislature, Nov. 20, 1832; *House Jour.*, 7th Gen. Assem. of Mo., 18.

[78]Richardson, *Messages and Papers*, II, 595.

[79]*Commerce of the Prairies*, II, 160, note.

[80]*Ark. Gazette*, May 8, 1833, quoted from *Mo. Repub.*

THE DOUBLE TAXATION GRIEVANCE.

[2]The problem in regard to the Indians had thus gradually been solved. Then remained the difficulty relative to the impositions upon merchandise at the Mexican frontier. This question had not completely disappeared, even when the Indian depredations were uppermost in the public mind. As the trade had grown, a greater and greater amount of the merchandise taken to Santa Fe was of foreign origin. When imported into the United States it had naturally been taxed under the American tariff laws. Upon these same articles a second tariff duty was paid at the Mexican frontier, under the Mexican tariff laws. The Missouri traders therefore were paying double taxes, and were encountering an unequal competition with English and French merchants and with eastern American merchants who were introducing their goods into Mexico through the ports on the Gulf. One of the traders proposed in 1829 a way out of the difficulty. He desired Congress to pass legislation allowing the advantage of debenture or rebates on original packages of foreign merchandise transported through the United States to Mexico.[81]

The tariff difficulties of the traders were increased by a new decree of the Mexican government, dated May 22, 1829, by which many articles formerly imported were prohibited under pain of seizure. Among the articles prohibited were agricultural implements, many sorts of cotton goods, and all kinds of coarse cloth.[82] It seemed as if this would have a serious bearing upon the future commercial relations of the United States with Mexico.

The Mexican federal law of 1829 was probably not strictly enforced in New Mexico, and yet the traders felt that the revenue authorities were arbitrary in its administration, and that they imposed illegal duties as well. One grievous exaction collected after 1828 was the per diem tax, for keeping open retail shops. Another was the arrival duty of ten dollars on each cargo, or mule load of merchandise. This latter tax was changed some years later to $750 on each wagon

[81]A. Wetmore to T. H. Benton, May 26, 1829, in *Mo. Intel.*, June 19, 1829.
[82]*Niles' Register*, XXXVI, 354.

load of goods, besides $150 on each baggage wagon.[83] To enable the Americans to baffle attempts at extortion or to resist illegal charges, it was proposed by Superintendent William Clark that the American commercial relations with Mexico should be very clearly and particularly defined.[84]

The commercial treaty of 1831 with Mexico, the first concluded by the United States with that power, contained the "most favored nation" clause, and hence presumably stopped all unusual, extra or illegal charges. Governor Miller, in his last message to the legislature, November, 1832, commented on this provision, anticipating, he said, the most beneficial results from it. He recognized that the treaty did not remedy the "double taxation" grievance, but the situation was such that the trade needed nothing more than a military escort and the usual "drawback" on the exportation of foreign goods to render it extensive and highly profitable.[85]

INDEPENDENCE, MO., A PORT OF ENTRY.

Congress gave no encouragement, however, to the movement in Missouri to secure the "drawbacks," and the matter was not seriously mentioned again for two years. In the meantime, General William H. Ashley had been elected Representative from Missouri. He was one of the foremost fur-traders of his time, and though he seems never to have engaged in the Mexican trade, he understood the conditions and difficulties under which it was carried on. From his first appearance in the House in 1831, he had been insistently urging military protection for it. In December, 1834, he introduced and secured the passage of a resolution calling upon the Committee on Commerce to inquire into the expediency of allowing rebates on foreign goods transported through the United States to Mexico, and of establishing a port of entry at Independence, Missouri, the headquarters of the Santa Fe traders after 1831. This attempt to secure beneficial legislation was reinforced by a memorial from the Missouri legislature in January, 1835, presenting the tariff

[83] *Columbia Statesman*, Feb. 20, 1846.
[84] *Sen. Doc.*, 9, 22nd Cong., 1st Ses., 4, 9, 32.
[85] *House Jour.*, 7th Gen. Assem. of Mo., 18-19.

difficulties of the traders. The memorial called attention to the unequal operation of the laws in that the re-exporters from the Atlantic cities to the ports of Mexico had the benefit of rebates, while no such favor was granted the persons engaged in re-exporting goods from Missouri to New Mexico. Owing to this inequality, it was claimed that the Missouri traders were paying about twenty-five per cent more for their goods than were the Atlantic traders, that consequently their commerce with New Mexico was "languishing." [86]

The Ashley resolution was referred by the Committee on Conmerce to the Secretary of the Treasury, who in turn referred it to the comptroller's office. The report was in the form of a letter from the Comptroller, suggesting a set of regulations under which Independence might be made a port of entry, and rebates might be allowed the merchants without endangering the regular and safe collection of the revenue.[87] Under the proposed regulations, the goods were to be taken to Santa Fe in the original packages, accompanied by proper certification of revenue officials at St. Louis and Independence, after which the rebate would be paid to the order of the owner of the goods. Accompanying the report as presented to the House was a bill providing the regulations suggested by the Comptroller.[88] No action was taken on the bill, possibly owing to the hostility of the eastern members who must have recognized that its passage would raise up competitors for their constituents. A similar bill introduced at the beginning of the next session shared the same fate.[89]

It was five years later before Congress definitely gave the subject much attention. In the interval, at the opening of the Ninth and of the Tenth General Assemblies of Missouri, Governor Boggs had submitted for consideration the propriety of again memorializing Congress for the rebates and for the establishment of a port of entry at the western border of Missouri.[90] On both occasions the legislatures responded in accordance with the desires of the governor. The memorial

[86] *Ses. Laws of Mo.*, 8th Gen. Assem., 104.
[87] *Ex. Doc.*, 116, 23rd Cong., 2nd Ses.
[88] *Niles' Register*, XLVII, 390.
[89] *Congressional Globe*, Dec. 21, 1835.
[90] *Sen. Jour.*, 9th Gen. Assem. of Mo., 30-31; 10th Gen. Assem. of Mo. 26-27.

of February, 1837, spoke of the trade as being worth half a million dollars annually, while the one of December, 1838, represented the commerce as practically extinct. The latter memorial leaves the impression of exaggeration; when speaking of the trade of 1828 as being worth half a million dollars, Missouri prices, sold at a loss in Mexico because of the competition from goods entered at ports on the Mexican coast, it doubled the valuation of the goods over any previous figures and made no mention of the heavy losses from the Indians.

The demand on the part of Missouri for legislation favoring the traders was reinforced in 1839 by similar demands from Arkansas. In that year Josiah Gregg led the first Arkansas caravan of traders to Mexico.[91] Thereafter the Arkansas congressional delegation championed the cause of rebates as vigorously as the Missouri delegation had done previously. Edward Cross, the Arkansas Representative, was particularly active in working up favorable sentiment. Largely through his efforts, the subject was referred in 1840 to the House Committee on Commerce, and a favorable report secured from that Committee.[92]

The advantages derivable from a properly regulated trade with the internal provinces, the committee reported, were so plain as to need no demonstration. "The plan of encouragement proposed is, to allow the benefit of drawback on goods exported overland to those countries. To a measure so simple in its nature, and so consonant with common justice, the committee are unable to discern any plausible objection. If goods conveyed by sea are entitled to a return of duties, why should they be denied the same privilege when exported by land? No substantial argument against it can be drawn from the fear of frauds on the revenue."

Even the Missouri legislature could not have stated the case more convincingly. And yet a bill to carry out the recommendation of the report, introduced into the House, was never taken up for consideration. The friends of the measure in the Senate were more fortunate. There a bill

[91] *Ark. Gazette*, May 15, 1839.
[92] *House Report* 540, 26th Cong., 1st Ses.

was finally passed late in the session, providing for the desired tariff regulations, and for the establishment of ports of entry in both Missouri and Arkansas.[93] Governor Boggs, in his message to the legislature in November, 1840, commenting on the Congressional action, said that the Senate bill doubtless would have become a law had not the great mass of business which had accumulated in the other house prevented action. He expected the bill to pass both houses at the ensuing session.[94]

Another five years went by, however, before the traders were able to secure the passage of their bill. Agitation was continued throughout this interim by newspaper articles, by legislative action in Missouri and Arkansas, and by forcing the consideration of the subject in Congress. The Senate remained the more friendly of the two houses and passed a bill in 1841, but as in the previous year it failed in the House.

Finally, on the last day of Tyler's administration, March 3, 1845, after an agitation extending over sixteen years, the bill was passed and approved.[95] It provided that rebates might be secured on imported merchandise, upon which duties had been paid, when the goods were re-exported, either through Missouri or Arkansas, to Mexico. Inspectors were to be appointed to reside at Independence in Missouri and at Van Buren and Fulton in Arkansas, at a salary of $250 per annum each. The law came too late to be of much assistance to the traders. Within two years, Santa Fe was seized by United States troops, and was thenceforth a part of American territory. Although no rebates were thereafter available, neither were there New Mexican tariff duties to pay, and the entire system of the overland commerce underwent a change.

[93] *Ark. Gazette*, June 10, July 29, 1840.
[94] *Sen. Jour.*, 11th Gen. Assem. of Mo., 27.
[95] *U. S. Stat. at Large*, V. 750.