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Reports of the Secretary of the Interior, communicating, in compliance with a resolution of the Senate, a report from Mr. Bartlett on the subject of the boundary line between the United States and Mexico.

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REPORT
OF
THE SECRETARY OF THE INTERIOR,
COMMUNICATING,

In compliance with a resolution of the Senate, a report from Mr. Bartlett on the subject of the boundary line between the United States and Mexico.

FEBRUARY 15, 1853.—Referred to the Select Committee on the subject, and ordered to be printed.

FEBRUARY 17, 1853.—Ordered that 2,000 additional copies be printed for the use of the Senate.

DEPARTMENT OF THE INTERIOR,
Washington, February 14, 1853.

SIR: I had the honor, on the 10th instant, to receive a resolution from the Senate, of that date, in the following words, viz:

“*Resolved*, That the Secretary of the Interior be directed to furnish to the Senate copies of any papers or reports relating to the Mexican boundary commission, and particularly a report from the commissioner, which may have been received here since his last communication to the Senate, upon the subject of said commission.”

Understanding the resolution as requiring me to communicate to the Senate the entire correspondence of the department on the subject of the Mexican boundary, not heretofore called for, and sent to the Senate, I have directed it to be prepared as speedily as possible. As it is somewhat voluminous, however, it will necessarily be some days before it can be completed.

Under date of the 7th instant, Mr. Commissioner Bartlett made a report to the department on the subject of the boundary line; and as it is in duplicate, I am enabled to communicate that paper at once, which I deem it proper to do, inasmuch as the resolution of the Senate particularly specifies it. I have the honor, therefore, to submit it herewith.

With great respect, sir, your obedient servant,

ALEX. H. H. STUART,
Secretary.

HON. D. R. ATCHISON,
President of the Senate pro tempore.

OFFICE OF THE MEXICAN BOUNDARY COMMISSION,
Washington, February 7, 1853.

SIR: I have the honor to present to the Department of the Interior the following observations in defence of the establishment of the initial point on the Rio Grande at $32^{\circ} 22'$ north latitude, and the line of boundary from that point westwardly, connecting it with the river Gila.

Honored by the government with the position of commissioner on the part of the United States to run and mark the line of boundary separating the United States from the republic of Mexico, in conformity with the stipulations contained in the fifth article of the treaty of Guadalupe Hidalgo, I repaired to the town of El Paso, on the Rio Grande, where I arrived on the 13th November, 1850; the commissioners of the two governments, at a meeting held at San Diego, in California, in February of the same year, having adjourned to meet at the above named place, on the first Wednesday in that month.

General Pedro Garcia Condé, the commissioner on the part of Mexico, arrived on the first of December, 1850, and on the third the first meeting of the joint commission took place. At this meeting there were present on the part of Mexico, General Garcia Condé, commissioner; Don José Salazar y Larregui, surveyor; Don Felipe de Iturbide, interpreter; and Don Francisco Jimenes, secretary. On the part of the United States, J. R. Bartlett, commissioner; Dr. Thomas H. Webb, secretary; and J. C. Cremony, interpreter. Mr. A. B. Gray, United States surveyor, would have been notified to attend the meeting, but he had not arrived.

Several meetings were subsequently held, at which prolonged discussions took place in consequence of gross errors in Disturnell's map of 1847; being the one which was to govern the joint commission in defining the boundary they were to "run and mark." These errors were, first, the wrong position of the town of El Paso, which on the map is in $32^{\circ} 15'$ north latitude, while its true position, as determined by astronomical observations, is found to be in $31^{\circ} 45'$; showing an error of half a degree.

A second error was in the course of the Rio Grande, which is about two degrees of longitude too far east. Other errors exist in the map, but none involving difficulties of so serious a nature as the two alluded to. I was fearful, from the ground taken by the Mexican commissioner, that the joint commission would not be able to agree on a line, and so advised the department. The treaty states that the line running west from the point where the Rio Grande strikes the southern boundary of New Mexico shall run "westwardly, along the whole southern boundary of New Mexico, (which runs north of the town called Paso,) to its western termination."

Here, then, was a serious difficulty; for, as the Rio Grande was found to be two degrees farther west than it is shown to be on the map, there was in reality two degrees of the southern boundary of New Mexico east of the river, and only one degree on the western side, making, together, the three degrees which, on the map referred to, constitutes the southern limits of that State.

General Condé proposed taking the longitude of the western termination of the southern boundary of New Mexico, and then to fix this

point by astronomical observation—the usual method adopted in such cases. I would have agreed to this proposition had I not discovered the remarkable error in the position of the Rio Grande on the “treaty map,” which would thereby have given the United States but one degree west of that river as the southern boundary of New Mexico, instead of the three degrees, which, by the map, are its limits. I then demanded a line three degrees in length west of the Rio Grande, as it appears on the “treaty map.” This claim the Mexican commissioner would not listen to, inasmuch as by acceding to my demand he would be dismembering the State of Sonora to the extent of two degrees in length by some twenty-five or thirty miles in width, extending south of the river Gila.

There is nothing in the words of the treaty that entitles the United States to three degrees west of the Rio Grande. It gives us “the whole southern boundary to its western termination;” and on going to the ground we find two degrees of this on the eastern side of that river. Had Sonora been an independent State, with her eastern boundary as laid down on the treaty map, no one would pretend to say that we should be justified in robbing her by taking two degrees of her territory in order to make up what we did not find between her limits and the river.

The error in the position of the town of El Paso was another obstacle, though not so serious a one, to a settlement of the boundary, for it never was my intention to measure the distance from the town to the southern boundary of New Mexico. I was surprised and greatly disappointed that the line should not be nearer the town than a rigid adherence to the treaty map would make it. In looking at the map it appears to be about 7° of latitude north of the town, or in $32^{\circ} 15'$ north latitude. On examining the ground, El Paso is not found there, but half a degree farther south, or in $31^{\circ} 45'$ north latitude. This town being incorrectly placed on the map, was no reason why the southern boundary of New Mexico should be moved. There is no evidence that the line was consequent to the town; and because one gross error existed on the map, there was no reason that we should make another.

These, then, were the two principal difficulties to an agreement between the commissioners. Finally, after much discussion, it was agreed that the stipulations contained in the article of the treaty relating to the boundary should be rigidly followed, and the boundaries, as laid down on the treaty map, adhered to as follows, viz: that the line should run up the middle of the Rio Grande “to the point where it strikes the southern boundary of New Mexico.” And, furthermore, it was agreed that, instead of extending west and terminating at the southwestern angle of New Mexico, which would give a line of but one degree, it *should be prolonged three degrees west*, wherever it might run, even though a considerable portion of Sonora should be included in the boundary.

In accordance with this understanding, a resolution was passed by the joint commission on the 20th of December, directing the chief astronomers of the two commissions, viz: Mr. Salazar on the part of Mexico, and Lieutenant A. W. Whipple, topographical engineer, on the part of the United States, to examine the treaty map and report where

the Rio Grande struck the southern boundary of New Mexico. The following is their report:

"In accordance with resolutions passed on the 20th instant, at an official meeting of the United States and Mexican boundary commission, we, the undersigned, have this day met for the purpose therein indicated. With a certified copy of the treaty map before us, we proceeded to make a scale of minutes of latitude by dividing into 120 equal parts the length of that portion of a meridian laid down upon the map between the parallels of 32° and 34° of north latitude.

"In a similar manner we found a scale of minutes of longitude for that degree of latitude which passes through points of the southern boundary of New Mexico, as indicated upon the same map.

"Then measuring the distance from the point where the middle of the Rio Grande strikes the southern boundary of New Mexico, south to the parallel of latitude marked 32° , and applying it to our scale of minutes of latitude, we found the length equal to 22' of arc. This reduced by Francœur's tables is equal to 40,659 metres= $25\frac{1}{2}$ English miles=21.92 geographical miles.

"Finally, taking the distance from the point aforesaid to the extreme western limit of the southern boundary of New Mexico, and applying this distance to our scale of minutes of arc in longitude, we found it to be 3° , which in this latitude, according to tables of Francœur, is equal to 282,220.2 metres=175.28 English miles=152.14 geographical miles. Therefore, according to this determination, the point where the middle of the Rio Grande strikes the southern boundary of New Mexico is 22' of arc north of the parallel of latitude marked 32° upon the map: from the same point thence the southern boundary of New Mexico extends 3° to its western termination.

"JOSE SALAZAR Y LARREGUI.

"A. W. WHIPPLE,

Lieutenant U. S. Topographical Engineers.

"PASO DEL NORTE, December 23, 1850."

The following is my letter to Lieutenant A. W. Whipple, appointing him acting surveyor:

"CAMP NEAR THE INITIAL POINT, NEW MEXICO,

April 24, 1852.

"DEAR SIR: The fifth article of the treaty of Guadalupe Hidalgo requires that the two governments shall each appoint a commissioner and surveyor to run and mark the boundary line between the two republics. The surveyor on behalf of the United States has not arrived; and having received no advice from him, it is impossible to conjecture when he will be here. The present is the most propitious period of the year for field duty; everything is in readiness for continuing the operations connected with the survey, and the Mexican commission is anxious to have the business proceeded with. Under these circumstances, being unwilling that any blame should attach to the United States by a delay in the proceedings of the joint commission, I have thought proper, by and with the consent of the Mexican commissioner, to designate you to act as surveyor during the temporary absence of A. B. Gray, esq. You are therefore requested to be present at the spot fixed

upon for the establishment of the initial point, and take part in the ceremonies as acting surveyor.

"I am, very respectfully, your obedient servant,

"JOHN R. BARTLETT,

"Com. U. S. and Mex. Boundary Commission.

"Lieut. A. W. WHIPPLE,

"U. S. Top. Eng., A. C. Astronomer U. S.

"and M. B. C., in camp near initial point, N. M."

Lieutenant Whipple presented himself accordingly, and took part in the ceremonies of establishing the initial point. Such are the facts relative to the fixing of the "initial point" on the Rio Grande at $32^{\circ} 22'$ north latitude, and the extension of the line thence three degrees west. A few arguments I now beg leave to submit to sustain my decision. By these I shall attempt to show—

First. That the initial point at $32^{\circ} 22'$ north latitude is fully sustained by the instructions from the Hon. James Buchanan to Mr. Trist, the commissioner, on the part of the United States, charged to make a treaty of peace with Mexico.

The fourth article of the original projet for a treaty of peace with Mexico, placed in the hands of Mr. Trist, was the same as the fifth article subsequently agreed upon, as far as it relates to the southern and western boundaries of New Mexico. But some time after, in consequence of suggestions by Mr. Trist, Mr. Buchanan instructed him as follows, viz:

"DEPARTMENT OF STATE,

"Washington, July 13, 1847.

"SIR: According to the suggestion in your despatch No. 6, you are authorized to modify the boundary contained in your instructions, so as to make it read: 'up the middle of the Rio Grande to the 32d degree of north latitude; thence due west to a point due south of the southwestern angle of New Mexico; thence due north to said angle; thence northward along the western line of New Mexico,' &c., &c.

By the above it appears that Mr. Buchanan understood the southern boundary of New Mexico to be north of the 32d parallel of latitude, as his proposed line on this parallel was to run "due west to a point" south of the southwestern angle of New Mexico, and thence due north to that angle. The Secretary of State continues: "I would suggest another and more important modification of the line; and this is, to run it along the 32d parallel of latitude from the Rio Grande to the Gulf of California," &c., &c. * * * * * "You are therefore authorized and instructed to make the first, and if this cannot be obtained, the second modification above suggested, in the line; but still with the understanding that neither of these two changes is to be considered as a *sine qua non*, nor is it to delay the conclusion of the treaty."

By both of these suggestions, it therefore appears that the parallel of 32° was the utmost limit which the United States instructed its commissioner, the Hon. N. P. Trist, to demand; but if neither of these modifications could be obtained, he was then to fall back on the original instructions and treaty, demanding only the southern boundary of New Mexico. Where, let me ask, was the commissioner to find this boundary? Was it to be where it appears on the treaty map, in 32°

22', or where the opponents to this point would place it, at $31^{\circ} 52'$ —a point eight minutes of latitude south of the most extreme point ever had in view by our government?

Second. I shall show that a rigid adherence to the stipulations of the fifth article of the treaty of Guadalupe Hidalgo, and the particular map to which it refers, require the initial point to be fixed at $32^{\circ} 22'$ north latitude.

Those who object to the point say, that the distance on the treaty map from the town of El Paso to the line should be the guide for placing the point; that, as the distance on the map appears to be seven minutes of latitude, we should then go to the earth's surface, find the town, and measure seven minutes north from that. What would be the result of this mode of proceeding? The town of El Paso not being found to exist on the earth's surface where the map places it, but half a degree farther south, the result would be to move the line with it, thus placing the line thirty minutes south of its position on the treaty map. Such a course of proceeding would, in my opinion, not be an adherence to the map, to which the treaty plainly limited me. It would be to use the map to ascertain one fact, viz: the distance from El Paso to the boundary line—a fact to the advantage of the United States—and then, finding that to resort to the earth's surface would be an additional advantage to us, and a very great disadvantage to Mexico, to abandon the map, notwithstanding the treaty obligations, and insist upon settling the question by reference to the earth's surface alone.

If Disturnell's map of 1847 is to be our guide, which the treaty distinctly says it shall be, let us see how a rigid adherence to that map will result. If this is adhered to, the initial point and boundary can be as easily settled in Washington or London as at El Paso. Now, with the treaty map before us in Washington, let us see what the result will be: take the dividers and measure the distance from the thirty-second parallel of north latitude to El Paso—it is fifteen minutes; then measure from El Paso to the boundary line, which is seven minutes farther north—making together twenty-two minutes, or the point agreed upon. So, measure from either the thirty-second or the thirty-third parallel to that boundary, the result is the same, viz: $32^{\circ} 22'$ north latitude. Adhering strictly to the map, the line as fixed is right; but by taking the map for one point, and then going to the ground or the earth's surface, the result is different. The treaty does not authorize such a change.

It is said that El Paso being mentioned in the treaty, it should govern us in fixing the initial point. I do not acknowledge the correctness of this. If the town had not been named in the treaty, how would it then be understood? Then there would be no question, and the point in dispute would be determined as it has already been, by measuring from the thirty-second parallel. The fifth article of the treaty says, that from the Rio Grande the line shall run "westwardly along the whole southern boundary of New Mexico, (which runs north of the town called Paso,)" etc. The words contained in the parenthesis, which are the cause of all the difficulty and the objections now offered, do not exist in the original projet of the treaty sent by Mr. Buchanan to Mr. Trist;* hence, the position of that town or its proximity to the line

* See the original projet of the treaty, Ex. Doc. No. 52, 30th Cong. 1st sess., page 85.

did not govern the Secretary of State in his instructions. *These words were added in Mexico by the Mexican commissioners, the history and cause of which addition I will now relate.*

While the boundary was under discussion by the joint commission at El Paso, in December, 1850, the words in the parenthesis above referred to were often mentioned; and subsequently hearing that the Rev. Ramon Ortiz, of that town, was a member of the Mexican Congress at the time the treaty of peace with the United States was under discussion, and was the author of the words in question, I addressed him the following note:

“EL PASO, TEXAS, *October 2, 1852.*”

“REVEREND SIR: Having been informed that you were a member of the Mexican Congress in the year 1847, when the treaty of Guadalupe Hidalgo was under consideration, will you have the goodness to inform me of the circumstances connected with the introduction of the following words in the fifth article of that treaty?

“Alluding to the southern boundary of New Mexico, it says: ‘(which runs north of the town called Paso)’—‘(qui corre al norte del pueblo llamado *Paso.*)’

“With high respect, I remain your obedient servant,

“JOHN R. BARTLETT.”

“Rev. RAMON ORTIZ,

“*El Paso del Norte, Mexico.*”

“PASO DEL NORTE, MEXICO, *October 5, 1852.*”

“HONORABLE SIR: I was a member of the Mexican Congress when the treaty of Guadalupe Hidalgo was under consideration by that body.

“Hearing that, in defining the southern boundary of New Mexico on the ground (according to the map of Disturnell, which guided the commissioners who signed the treaty,) El Paso might be lost to Mexico, the clause in a parenthesis to which you refer was inserted by the Mexican commissioners in order to *secure El Paso at all events* to the State of Chihuahua, to which it had always belonged. It was not intended that the line should be *immediately* north of the town, nor is it so stated, but for the object above mentioned.

“The old boundary was always known to be near San Diego, to the north of Doña Ana, and some four or five leagues above the initial point fixed by the boundary commission.

“I am, sir, with much consideration, your obedient servant,

“RAMON ORTIZ.”

“H. S. DON J. R. BARTLETT.”

Third. I shall now show that according to the best authorities, both maps and books, the boundary between the States of New Mexico and Chihuahua is either at 32° 22', or much to the north of that point.

ESCUDERO, in his book entitled “*Noticias Estadísticas del Estado de Chihuahua, reimpresas de orden del Supremo Gobierno, Mexico, 1834,*” says, “the extent of the State of Chihuahua from north to south is from 32° 50' to 26° 40'.” (See page 8.)

PEDRO GARCIA CONDE, in his official report entitled “*Ensayo Esta-*

distico Sobre el Estado de Chihuahua: Chihuahua, 1842," folio, says, "its territorial extension is from $25^{\circ} 53' 36''$ to $32^{\circ} 57' 43''$ north latitude."

In a map entitled "*Mapa de los Estados Unidos Mexicanos; arreglado a la distribucion que en diversas decretos ha hecho del territorio el congreso general Mejicano: Paris, 1837: publicado por Rosa,*" the southern boundary of New Mexico is laid down at $32^{\circ} 22'$ north latitude.

In a map entitled "*Carta geografica general de la Republica Mexicana, formada en el año de 1845, con los datos que reunio la seccion de Geografica del Ministerio de la guerra, por el General de Brigada Pedro Garcia Condé,*" published in London by James Wild, the southern boundary of New Mexico, on this map, crosses the Rio Grande at about $32^{\circ} 36'$ north latitude, and runs west until it intersects the Rio Mimbres; thence northward to about $32^{\circ} 57'$, to a tributary of the river Gila.

But the most important document to which I shall refer is an original manuscript map, on a large scale, which I had the satisfaction to find at the governor's palace, in the city of Chihuahua. This map is entitled "*Carta Geografica del Estado de Chihuahua.*"

A fac simile of that portion which exhibits the northern boundary of the State, or the southern boundary of New Mexico, is appended, marked No. 4. The history of this map is briefly this:

On the 22d October, 1833, the Congress of the State of Chihuahua passed a law creating a "geographical and topographical corps," of which Don Pedro Garcia Condé was the chief. Messrs. Staples and Condé, of this corps, made an accurate and minute survey of the State, and constructed the map in question. The point where the southern boundary of New Mexico strikes the Rio Grande on this map is near San Diego, in latitude $32^{\circ} 35'$. This boundary, after running west to the river Mimbres, runs northward as far as the Mogollon mountains, in latitude $32^{\circ} 57' 43''$, embracing the Copper Mines within its limits.

While making the survey for the map last mentioned, one of its engineers, General Garcia Condé, prepared an elaborate report on the statistics of the State of Chihuahua, to which I have already referred.

In 1836 the statistical report was made to his excellency the governor, and in 1842 it was published at Chihuahua with the following title: "*Ensayo Estadístico Sobre el Estado de Chihuahua.*" "Imprenta Del Gobierno: A cargo De Cayetano Ramos, 1842," folio, pp. 98.

In the first part of this work (p. 7) the geographical limits of the State are thus defined:

"Sus confines son al N. el Territorio del Nuevo Mexico, al S. el Estado de Durango, al E. el de Coahuila y Texas, al N. W. el de Sonora, y al S. W. el de Sinaloa. Su extension territorial es las trece centavimas partes proxivamente de la Republica, ó $17,151\frac{1}{2}$ leguas cuadradas, de $26\frac{1}{2}$ al grado, que abrazan desde los $25^{\circ} 53' 36''$ á los $32^{\circ} 57' 43''$ de latitud N. y desde los $1^{\circ} 30' 16''$ á los $7^{\circ} 17' 52''$ de longitud W. del meridiano de Mexico," etc.

In the above, the limits of the State are defined with great precision; the northern boundary separating it from New Mexico being $32^{\circ} 57' 43''$ north latitude. But in addition to this, there are frequent references to places north of the line of $32^{\circ} 22'$ as agreed upon by the joint commission. "In the department of Galeana, which forms the N. W. portion

of the State, are the Copper Mines, on the western line of the department."

"El Partido de Galeana que es la parte N. W. del Estado, se compone en su mayor extension de grandes llanos que se elevan gradualmente desde el alveo del Rio del Norte hasta la Cumbre de la Sierra Madre al W., de las haciendas de San Miguel de Babicora y Carretas, y el mineral de cobre en el lindero occidental del partido." (P. 8.)

The present line of boundary runs nearly 30 miles south of the Copper Mines. Again: In enumerating the rivers of the State of Chihuahua, the Mimbres is mentioned as rising in New Mexico, when it runs south and terminates in a marsh sixteen leagues from its source, near a mountain peak (picacho) of the same name as the river. "El Rio Mimbres nace en el lindero occidental del Territorio del Nuevo Mexico, corre hacia el S., y concluyen en una cienega á las diez y seis leguas de su origen circa de un picacho del mismo nombre del rio." (P. 11.)

The present line of boundary gives the whole of the river Mimbres, and the mountain referred to, to New Mexico.

The Copper Mines are included in the municipality of Janos, and department of Galeana, (pp. 47 and 54;) and, again, it is stated that in the northern part of the State are the mines of Santa Rita del Cobre. "En la parte boreal del Estado, no se encuentran otros minerales que los de Santa Rita del Cobre y la mina de Escondida." (P. 62.)

The Mogollon mountains, north of the Copper Mines, are mentioned as being "entirely within the State." (P. 55.)

In a table of distances from place to place within the State, it is stated that "From El Paso to San Diego, the termination of the State, ('raya del Estado,') is twenty-six Mexican leagues" by the wagon road.

These several extracts go to show that the Copper Mines, the Mogollon mountains, near the Gila, and the entire course of the river Mimbres, were included within the limits of the State of Chihuahua, and there is no evidence that at any time they belonged to the territory or State of New Mexico; yet the line of $32^{\circ} 22'$ north latitude gives the whole of these to New Mexico, and takes from the State of Chihuahua 35 minutes of latitude.

A large map of the State was constructed by Don Pedro Garcia Condé, at the same time, on which the boundaries of the State are laid down as described in the foregoing extract from the printed essay. (A copy of this, marked No. 4, is appended.) The original map has for many years hung upon the walls of the governor's chamber of audience.

In the year 1847 the constitution of the State, which was adopted in the year 1825, was revised, and the boundaries of the State, agreeable to the survey and map of Don Pedro Garcia Condé, adopted, and stated at length in the 2d clause of the 1st article, as appears by the following certificate from the governor:

"GOBIERNO DEL ESTADO DE CHIHUAHUA:

"El ciudadano José Cordero, gobernador constitucional del Estado del Chihuahua, certifico, que el art. 2o, tit. 1o, de la constitucion de este Estado, promulgada en 7 de Diciembre de 1825, y reformada en 7 de Diciembre de 1847, se halla redactado en los siguientes terminos:

"ART. 2. El territorio de Chihuahua es el que há poseido y se le ha reconocido hasta ahora entre los $25^{\circ} 53' 36''$ y los $32^{\circ} 57' 43''$ "

de latitud norte, y entre los $1^{\circ} 30' 16''$ y los $7^{\circ} 17' 52''$ de longitud occidental de Mexico, segun la carta geografica del mismo Estado, formado por los S'res Staples y Garcia Condé en el ano de 1834.'

"Y à pedimento del Señor Presidente de la comision de limites de los Estados Unidos del Norte, D. John R. Bartlett, le doy esta en Chihuahua à veinté siete de Octubre, de mil ochocientos cincuenta y dos.

"JOSÉ CORDERO.

"AMADO DE LA VEGA,

"Oficial 1o."

CONSULATE OF THE UNITED STATES OF AMERICA,

Chihuahua, October 28, 1852.

I, Bennett Riddells, consul of the United States of America for Chihuahua, Mexico, do hereby certify that the above signatures of José Cordero and Amado de la Vega are genuine, and that José Cordero is acting governor of this State, and Amado de la Vega first official.

Given under my hand and seal of office.

BEN'T RIDDELLS,

U. S. Consul.

[Translation.]

GOVERNMENT OF THE STATE OF CHIHUAHUA:

I, José Cordero, constitutional governor of the State of Chihuahua, certify, that in the 2d article, 1st section, of the constitution of this State, proclaimed on the 7th of December, 1825, and amended on the 7th of December, 1847, may be found the following terms:

"ARTICLE 2. The territory of Chihuahua is that which lies and is now acknowledged between $25^{\circ} 53' 36''$ and $32^{\circ} 57' 43''$ of north latitude, and between $1^{\circ} 30' 16''$ and $7^{\circ} 17' 52''$ of longitude west of Mexico, according to the map of the aforesaid State, made by Messrs. Staples and Garcia Condé, in the year 1834."

And at the request of the United States commissioner, John R. Bartlett, I give him this in Chihuahua, on the twenty-seventh day of October, one thousand eight hundred and fifty-two.

JOSÉ CORDERO.

AMADO DE LA VEGA,

First Official.

These three documents—viz: the statistical account of Chihuahua, made in 1836, and published in 1842; the map of that State, made in 1834 by a corps of engineers; and the constitution of Chihuahua, in which the boundaries mentioned in the statistical essay, corresponding with those laid down on the map, are adopted as its limits—are the most positive evidence that can be produced to show the correctness of the decision of the joint commission in determining and marking the boundary. By these several authorities it appears that the United States has obtained a territory extending more than thirty miles north of the line of boundary between Chihuahua and New Mexico. I say the *correctness* of the decision; for, although we have added a larger portion of Chihuahua to New Mexico, a territory over which the former always exercised jurisdiction, we were compelled to do this by adher-

ing to the treaty map. I do not see how it was possible to have made any other decision than that agreed upon by the joint commission, if truth, justice, an adherence to the treaty and the treaty map, and the instructions from my government, were to govern me.

I have read an essay on the State of Chihuahua by a French gentleman named De Dommartin, who visited that State in 1848-'49, including its northern districts, which were the scene of operations of the United States boundary commission. His object was to found French colonies there. I heard of him at all the frontier towns, and saw some of his maps. He says that the plain of Chihuahua lies "between $26^{\circ} 53'$ and $33^{\circ} 30'$ north latitude." This is correct; for it is at about $32^{\circ} 30'$ that the mountains again begin to rise near the Copper Mines.

I was not commissioned to enter into any new arrangements as to this boundary. My instructions referred me to the fifth article of the treaty of Guadalupe Hidalgo, and Disturnell's map of Mexico, (the edition of 1847) which were deemed sufficient to carry out the wishes of the government. The instructions to my predecessor from the Hon. James Buchanan were similar to mine, with the exception that this illustrious statesman, in his instructions to the Hon. J. B. Weller, says that in the discharge of his "important duties" the President is confident his "conduct will be characterized by prudence, firmness, and a *conciliatory spirit*:" and furthermore, that "*he desires no advantage over the Mexican government.*"

When I agreed upon the line with the Mexican commission, I had never been over the ground, except along the margin of the Rio Grande.

Whether the region westward towards the Gila was a paradise or a desert I knew not, and hence no considerations as to the value of the territory guided me. To enter into a just and honorable decision was my sole desire. Nevertheless, as the opponents to the boundary have asserted on the floor of Congress that the territory in dispute contains some of the most valuable land in the world, I will merely observe that the only arable portion of it is a strip of from one to two miles in width, forming the valley or bottom of the Rio Grande. By artificial irrigation, with canals and ditches, a portion of this valley may be made productive. But beyond this, even to the far distant Pacific, the whole country is a *desert*, with scarcely a tree save in the ravines of the lofty mountains, and little other vegetation than the chaparral or thorny bushes, which prevail over all the desert regions of Mexico. I will not at present enter into any detailed description of the region between the Rio Grande and the Pacific, through one hundred and eighty miles of which our line of boundary runs. I will, however, assert that, commencing on the Rio Grande ten or fifteen miles north of our line, at $32^{\circ} 22'$ north latitude, and running thence westwardly to the Pacific in a belt or strip one hundred miles in width from the point named, southwardly, there is not one half of one per cent. of arable land. Even this small fraction can only be cultivated by artificial irrigation; a method so little reliable that in dry seasons, when the streams fail, the crops are lost. Few streams in this broad belt of land reach the ocean, but are absorbed in the parched plains and deserts after winding their way some hundreds of miles. Even the river Gila dries up, as I have myself seen, and the deserted villages and dilapidated buildings on the Mexican frontier offer strong evidence

that the country is not adapted to the abode of human beings. At a future time I may present a detailed account of the geographical features of the country alluded to.

It would seem proper that in making my defence of the initial point and boundary line agreed upon by me as commissioner on the part of the United States, I should notice some of the objections that have been made to them, and some of the difficulties which have been thrown in my way in running and marking these lines. The most serious of them were caused by Brevet Lieut. Colonel J. D. Graham. This gentleman was appointed principal astronomer to the boundary commission early in October, 1850, and was directed to *proceed without delay and report himself to the commissioner in the field*. On the 26th of June, or nearly nine months after his appointment, he reached El Paso. He then addressed me a note at the Copper Mines, near the Gila, where the greater portion of the commission had been for months awaiting his arrival, saying that, understanding at El Paso I was expected there in a few days, he thought it best to await my arrival. At the same time, Colonel Graham ordered Lieutenant A. W. Whipple, then officiating as chief astronomer, and actively employed with a large party in running the line westward towards the Gila, to report himself in person to him forthwith. Lieutenant Whipple obeyed orders, although acting under a resolution of the joint commission, and repaired to Frontera to meet Colonel Graham. The work was thus necessarily suspended; and for the safety of the party left without a head, I was compelled to order it to headquarters at the Copper Mines. Thirty-nine days after, on the 2d day of August, and nearly ten months from the time of his appointment, Colonel Graham reported himself in person to me at the Copper Mines, accompanied by Lieutenant Whipple. The withdrawal of Lieutenant Whipple from the survey embarrassed me much, and was, besides, a most serious injury to the Mexican engineers, who were working conjointly with the United States party, and also led to a protest from General Condé. I deem it my duty to mention this fact, as Colonel Graham charges Mr. A. B. Gray, then United States surveyor, with having stopped the work; whereas Mr. Gray did not arrive at the Copper Mines until three weeks after Colonel Graham had ordered Lieutenant Whipple from the work, and did not present his objections to the line until the 25th of July.

But the extraordinary delay of this officer in reporting himself to me as ordered (with his several assistants,) and the stopping of the work when in such active progress, are not the only obstacles to a prompt completion of the work; the placing of which in my way are chargeable to him. The position he took when in New Mexico, and that taken since his return to Washington, deserve to be noticed. Colonel Graham is now objecting to the initial point and the line, and is endeavoring to make government believe that he assumed an adverse position in his intercourse with me, and remonstrated against my proceedings; notwithstanding which, I persisted in my decision. From his conversation with me, it was difficult to judge what his views really were. He avoided any positive or distinct avowal; though I heard from others that he opposed the line when he first arrived, and subsequently, on a closer investigation of the subject, proclaimed it as right, and declared that the initial point had been properly placed.

This double-sided view—this opposing the line in his conversation with one, and sustaining it while conversing with another—might answer the Colonel's purposes, but by pursuing such a course he was doing me and the government a serious injury. Hearing therefore, that Colonel Graham had expressed himself very fully and plainly to Judge Hyde, one of the most worthy and influential citizens of the country, I requested that gentleman to state to me in writing, under oath, what Colonel Graham's views were on the subject of the boundary as expressed to him. He complied with my request, and furnished me with the following affidavit:

"I, Archibald C. Hyde, citizen of El Paso county, State of Texas, do hereby certify to the following interview and conversation between Lieutenant Colonel James D. Graham and myself:

"On or about the latter part of September, 1851, while on a visit to the Copper Mines, in New Mexico, I was introduced by an officer of the army (Lieutenant Duff C. Green) to Lieutenant Colonel J. D. Graham, head of the scientific corps of the United States boundary commission, as Judge Hyde, of El Paso county.

"The Lieutenant Colonel asked me about the duties of my office; inquired whether I was acquainted in the town of Messila, and wished to know how its citizens liked the late settlement of the initial point on the Rio Grande, which being placed above their valley, left them in Mexico. I replied that since his arrival in the country, the American portion of the population, and many of the Mexican, of the aforesaid town, being led to believe that the initial point was improperly placed, were then organizing to resist any authorities which the government of Mexico might send them, and that they were about to petition the governor of New Mexico to order elections for civil officers in their district.

"The Lieutenant Colonel rejoined, and said that the step they were about to take was wrong; that their proceedings ought to be stopped, and that they ought to submit to the proper authorities. Upon expressing my astonishment at such an avowal on his part, and telling him that it was principally his conduct and conversation that led the citizens of La Messila to hope and trust that the initial point would be changed, the Lieutenant Colonel told me that since his interview with the Mexican commissioner during his late trip to the Gila river, he had changed his mind upon that question; that he was now satisfied the initial point had been properly placed; that had it been placed farther south or near El Paso, it would have much injured the inhabitants of that town, who would have been thereby deprived of the control of the waters of the Rio Grande, without which they could raise no crops; and that they were entirely dependent for timber and firewood upon that portion of the valley situate between their town and the initial point; and that it would have resulted in great injury to Mexico, without at all benefiting the United States; and he, the Lieutenant Colonel, requested me to use my influence to stop any farther action of the citizens of La Messila upon that subject, as it was all founded on a mistake.

"I answered, that as the commissioners had already fixed the point, and the objections of the opponents were, as he had intimated, with-

drawn, the matter would soon regulate itself. The Lieutenant Colonel said, true, true; and the interview broke up.

“A. C. HYDE.”

STATE OF TEXAS, *El Paso county:*

Before me, T. J. Miller, clerk of the county court, personally appeared A. C. Hyde, late chief justice of said county, and made oath that the facts contained in the above instrument of writing, signed by him, are correct and true.

Given under my hand and seal, at San Elizabito, in said county,
[L. s.] this 15th day of September, 1852.

T. J. MILLER,
Clerk County Court, El Paso County.

Much more might be said relative to Colonel Graham and his connexion with the commission, but I have not time at present to enter into the subject, and this is not perhaps the proper occasion for doing so. He has never, to this day, made any report of his official duties to me, although by his instructions from the department (which he always professed to treat with the greatest deference) it was incumbent on him so to do; and, officially, I have no knowledge of his ever having performed any work in the commission that legitimately devolved on him. It is, therefore, not without surprise that I have seen, within a few days, a portly octavo of 250 pages, drawn up by the above-named officer, ostensibly to set forth his arduous labors, and his indefatigable industry and persevering exertions to arrest the downward progress of the commission, and to bring the survey, already too long delayed, according to him, to a speedy and satisfactory termination. This constitutes Senate document No. 121, 32d Congress, 1st session: it emanates from the War Department, but with such manifest impropriety, that the Hon. Secretary of War, in his accompanying letter, states that Colonel Graham was not called upon by him for it, as he “conceived that any such report, if made, ought properly to have been addressed to the Department of the Interior.” Why it was not, it would perhaps be more easy than agreeable for the gentleman to set forth. This production is a most extraordinary one: it abounds in errors and mis-statements; narrations highly wrought, apparently for effect; vile insinuations and ungentlemanly innuendos, which demand of me, in justice to my private character and public position, a rigid examination and detailed reply. These it shall receive at as early a period as my duties will allow.

I now propose to make a few remarks in reply to Mr. Gray’s objections to the initial point.

Mr. A. B. Gray, late United States surveyor under the 5th article of the treaty of Guadalupe Hidalgo, on joining the commission at the Copper Mines, addressed me a letter, bearing date 25th July, 1851, wherein he objected to the “initial point” on the Rio Grande at 32° 22’, as agreed upon by the joint commission, and advised “an immediate suspension of the work upon the line” which extended west, and which the engineers of the two commissions were engaged conjointly in running at the time of the withdrawal of Lieutenant Whipple by Colone

Graham's orders. A copy of this letter was forwarded by Mr. Gray to the department, and is now hereunto appended.

On the 30th of the same month I replied to Mr. Gray, informing him that I had read his letter with care, but that my opinion as to the initial point referred to remained unaltered, but that I would still further examine the points at issue, and lay the result of my investigations before him.

At the time referred to, I was much occupied in making preparations for my journey down the Gila, and had nothing but the treaty map and the treaty to refer to. I therefore deferred my reply until I could examine other authorities which were not accessible on our march. Although Mr. Gray is no longer an officer in the commission, it is incumbent on me to reply to his objections, particularly as they have been the cause, very naturally, of much dissatisfaction on the part of many, who, in my opinion, have formed very erroneous views from the statements made by him.

Mr. Gray begins by referring to the agreement made by the joint commission at San Diego, California, on the 15th February, 1850, to meet at El Paso on the first Monday of November in the same year, being eight and a half months from the day of adjournment. This agreement was as follows, viz:

“If in any event (which is not to be expected) either of the commissions should fail to meet at the time and place agreed upon, the one present may commence its operations and push them forward as far as practicable, subject, of course, to the examination and revision of the other party.”

The two commissions, embracing the United States and Mexican commissioners, the Mexican surveyor, the two secretaries and the two interpreters, held their first meeting on the 3d December, 1850; Mr. Gray alone being absent. Several meetings took place subsequently; the initial points and boundary lines were discussed and finally agreed upon. The idea that the business of the joint commission could not proceed without the presence of Mr. A. B. Gray, was not for a moment entertained.

The particulars of the agreement as to the initial point, and the appointment of Lieut. Whipple to act as surveyor in the absence of Mr. Gray, I have already related. The necessity of this course was apparent; a heavy responsibility rested on me to obey my instructions from the department, to proceed with the work intrusted to my care. The commission was organized with the view to carry on the surveys at once, and the expense of maintaining it was enormous. To have delayed operations, therefore, in consequence of Mr. Gray's extraordinary absence, when they could proceed by the temporary appointment of a substitute, with the consent of the Mexican commissioner, from whom alone, if from any one, an objection could reasonably arise to the proposed course, would have, very justly, laid my conduct open to censure.

Mr. Gray joined the commission at the Copper Mines on the 19th July, seventeen months after the adjournment in San Diego. I during that time having received no intelligence from him, and consequently, from the long period that had elapsed, having no means of judging

whether he would ever present himself, I took the earliest opportunity to inform him what I had done; of the necessity of proceeding with the survey, and that until the initial point was fixed nothing could have been done; that Lieut. Whipple was appointed to fill his place temporarily and act on the occasion of fixing the point; that this was done by and with the consent of the Mexican commissioner, and that I considered the matter settled.

I shall now examine Mr. Gray's arguments for opposing the "initial point" on the Rio Grande at $32^{\circ} 22'$.

Mr. Gray says: "The first operation seems to have been that of taking a *point of latitude* on the Rio Grande, as one called for in the treaty, where the river strikes the southern boundary of New Mexico. The Mexican commissioner and surveyor have selected as this point the intersection with the river of the parallel of $32^{\circ} 22'$ north latitude, and from thence they are running the line westward.

"The southern boundary of New Mexico on the treaty map is a sinuous line, running nearly east and west. To trace such a line upon the ground would be very difficult, if not impossible. As these sinuosities were but slight variations from a direct line, it was agreed to take the mean, and make it a parallel of latitude. The result of this gave $32^{\circ} 22'$ north latitude for the point where the Rio Grande intersects the line, as measured by Mr. Salazar, chief astronomer of the Mexican commission, and Lieut. Whipple, acting in the same capacity on the part of the United States."

Notwithstanding this decision by the two officers appointed for the express purpose of determining all astronomical points, Mr. Gray denies the correctness of these points, which he says "cannot be taken as the latitude of the initial point upon the river."

Mr. Gray contends that because "there is no mention made of *latitude* in describing the line in the treaty, it must be referred to other things;" that "if we wish to get at the true latitude of this line, we must do so by computing it from the *true latitude of El Paso*, an actual place, existing upon the map and upon the ground, and likewise mentioned in the treaty."

It is a singular mode of reasoning, that because "no mention is made of latitude in describing the boundary in the treaty," the divisions by latitude and longitude are to be avoided; or, because it is incidentally stated in a parenthesis that the boundary line in question "runs north of the town called Paso," that the position of this line must be determined by measuring its distance from that place. Would Mr. Gray define the northern and western boundaries of Pennsylvania as so far from Philadelphia—the western boundaries of Missouri and Arkansas by their measured distances from St. Louis or Little Rock—the western boundary of Ohio by its distance from Cincinnati—or the several boundaries of Kentucky, Tennessee, Indiana, Massachusetts, &c., &c., all of which are lines running east and west, or north and south, by distances from towns within these States? If this is the mode by which Mr. Gray would define such lines of boundary, his method is peculiarly his own, and unknown in modern engineering, or among geographers.

There was no necessity for defining in the treaty the precise *latitude*

and *longitude* of the southern and western limits of New Mexico. The treaty says that "the southern and western limits of New Mexico mentioned in this article are those laid down on the map entitled 'Map of the United Mexican States,'" &c. A glance at the map shows, at once, where the boundaries are; and as the commissioners who signed the treaty had no evidence to show the precise latitude or longitude of these boundaries, or that they had ever been fixed by law, they did not enter into details relative thereto. Reference to a particular map was deemed sufficient.

In order to strengthen himself in his singular position, Mr. Gray makes the extraordinary assertion, that "it is notorious that the lines representing parallels and meridians placed upon the map referred to in the treaty are wrong," which is the reason why the negotiators of the treaty "threw them out altogether." Can it be possible that, in the present age of the world, an engineer, holding the high position of United States surveyor to carry out treaty stipulations with a foreign power, should make such an assertion, *that the parallels as laid down upon all maps for centuries are wrong?*—for these lines on Disturnell's map are the same as on all other maps throughout the globe. It is sufficient to state a single example to show that the parallels of latitude are not wrong, as Mr. Gray pretends they are. The parallel of 32° on Disturnell's treaty map intersects Savannah, Georgia, as it does on all maps. Yet the United States surveyor, in order to bring the town of El Paso where he wants it, instead of placing it at $31^{\circ} 45'$, its true position, would remove the parallel of 32° far enough north to make up the error, which is about half a degree. If Mr. Gray removes the 32^{d} parallel half a degree north, he must remove all other parallels the same distance until he reaches the equator, which, of course, must also be brought towards the north pole. But these are not all the revolutions that would ensue from the proposed removal of the parallels to sustain Mr. Gray's notion; for the poles themselves, being equally out of place in the general disturbance, must be moved half a degree from their axes, on which they have so long rolled in quietness. Mr. Gray's map, showing how he would alter the long-established parallels of latitude, is affixed to this document, marked No. 5.

Mr. Gray says that "the important natural points from El Paso to Santa Fé bear the same relative proportion to each other upon this map, that they actually do upon the ground—hence must be taken as relatively correct, without regard to the parallels of latitude; and, consequently, the boundary line must also bear its relative position to El Paso upon the ground that it does upon the map."

This does not by any means follow. If, by a law of Mexico, it should appear that the southern boundary was defined as running a certain distance north of El Paso, then, in correcting the location of this town and placing it half a degree farther south, where it belongs, the boundary line would have to be removed to correspond in distance; but as no such law with regard to or definition of this line exists, there is no reason for removing the boundary as Mr. Gray demands. Upon the same grounds he would remove the boundary of any of our States, if it should be found, on close observation, that its capital did not occupy the same place on the map as it did on the earth's surface.

Mr. Gray says, "he has proved that he" (Disturnell, the author of the map) "made the line consequent to the town; and that a still further proof of it is shown from the fact that Disturnell, in publishing another map, in 1849," marked on it "the parallel of the 32d degree of latitude *right* with reference to the town of El Paso, and the line *also* he continues to place above the town."

This is another remarkable assertion, that a constructor of a map makes his parallels to suit the position of any towns, or, as Mr. Gray says, consequent to the town [of El Paso.] This cannot be; common sense shows the contrary. Parallels and meridians are never changed. They are first laid down in constructing all maps, and the several divisions of the globe made consequent to them.

If Mr. Gray will take the trouble to examine the two maps to which he refers, he will find that the parallels are the same in both with reference to all places except El Paso, and that *that* town only has been moved to its proper place.

This is all that I deem it necessary to say in regard to Mr. Gray's objections.

Before closing this communication it seems proper that I should submit a few remarks in reference to the construction of a railroad across the country, as information on the subject appears eagerly sought after at the present time, and erroneous views are entertained by some in relation to it.

It has been asserted that the present line of boundary, at 32° 22', running west three degrees of longitude, deprives the United States of the most practicable route for a railroad to the Pacific, and the one upon which a railroad can be constructed at the least expense. Such I shall show is not the case.

The 6th article of the treaty of Guadalupe Hidalgo says: "If, by the examinations which may be made, it should be ascertained to be practicable and advantageous to construct a road, canal, or railway, which should in whole or in part run upon the river Gila, or upon its right or its left bank, within the space of one marine league from either margin of the river, the governments of both republics will form an agreement regarding its construction, in order that it may serve equally for the use and advantage of both countries."

By examining the treaty map it appears that the western boundary of New Mexico intersects the most eastern branch of the river Gila, near its very source, from which point it was believed that the river would be the boundary between the two republics its entire length. Had there been a practicable route, therefore, along the valley or near the bed of the river, within a marine league of either bank, no more would have been required. But an examination of this river shows that for one-half of its course it is closely hemmed in by lofty and impassable mountains, and that it is only after proceeding west of the mouth of the San Pedro river the mountainous region is passed, and a broad, uninterrupted plain opens to the view.

There is a peculiarity in the geographical features of this region which here deserves to be noticed.

The great range known as the Rocky mountains, which passes from north to south through the entire length of both the American conti-

nents, and which attains its greatest elevation north of Santa Fe, in New Mexico, diverges westward and preserves its unbroken chain west of the Rio Grande. At the Copper Mines, between that stream and the Gila, these mountains attain a height of more than 8,000 feet above the level of the sea. They rise up in elevated peaks, separated by narrow and intricate valleys, and suddenly sink into a high plain about 6,000 feet above the level of the sea. Here the great Cordillera chain disappears about twenty miles north of the boundary line of New Mexico, and an elevated plateau or table, stretching as far as the eye can reach, is found in its place. This plateau extends southwardly through the greater portion of Mexico. In its course east and west, at intervening distances of from fifteen to thirty miles, it is intersected by ranges of mountains having an elevation of from 1,000 to 2,000 feet above the plain; also by short, isolated ridges and low detached hills. These mountains are not in continued chains, but in short ridges from five to fifteen miles in length, overlapping each other, and appearing at a distance as a continuous ridge. What, therefore, seems to be an insurmountable barrier, may be passed in many places through defiles, with so little ascent that it is scarcely perceptible until the traveller finds himself descending gradually on the western side. This is the character of all the lesser ranges of mountains which extend across the continent from the region where the elevated plateau of Texas begins, north of San Antonio, to the great "coast range" of mountains bordering on the Pacific ocean. The general course of these ranges, or "sierras," as they are called in Mexico, is from the northwest to the southeast.

In about the latitude of $31^{\circ} 15'$ north the great Cordillera range again begins to appear, called the "Sierra Madre," and is, as it were, the concentration of many lesser ridges into one vast range, elevated, compact, and impassable, extending through the entire length of Mexico to the Cordillera of the Andes in South America.

The "Guadalupe Pass," through which the old Spanish road from the city of Mexico runs to Sonora, which has been traversed for more than a century, and through which Colonel Cooke passed with his brigade to California, making it practicable for wagons, is over a spur of the "Sierra Madre," where it begins to rise from the great plateau at the north. From this point, to within some ten or fifteen miles of the Gila, is a plain from fifty to sixty miles in width. Between the mountains bordering on the Gila river, therefore, and the "Sierra Madre," the country is entirely open; and this character prevails from the Rio Grande to the mountains intervening between the San Pedro and the Mexican frontier post of Tucson, which mountains are in many places practicable. From Tucson is a desert plain ninety miles across to the Gila, near the Pimos villages. South of the Gila is a vast desert extending to the Gulf of California, without grass or trees, and intersected by similar isolated or short mountainous ranges, as those described in the region before alluded to.

With reference, therefore, to a railroad, there is a practicable and very direct route from the Rio Grande, between a point about ten miles north of El Paso and a point about the same distance north of the line $32^{\circ} 22'$ westward, until the mountain ridge near the San Pedro is passed. Thence to the Gila is a level and open plain. Along the

valley of the Gila, or on the plateau near it, the country is open, level, and not obstructed by mountains, for a distance of from one hundred and ninety to two hundred miles, when the Colorado is reached. Crossing this stream, which may be easily done by a bridge, you come to a desert about one hundred and ten miles in width, which extends for a great distance northward along the Colorado and southward to Lower California; its full extent is unknown. The whole district of country named is remarkably level, and would require but little, if any, grading or embankment, except where the defiles between the mountains are traversed. This route, though not as direct as the northern ones, is admirably adapted for a railroad.

In the opinion here expressed, I am supported by Lieut. Whipple, who had charge of one of the surveying parties. In his report that officer says, "that it would hardly be practicable to construct a 'road, canal, or railway' to run wholly upon the river Gila. The cañon of the Pinal Llaño mountains is a *complete barrier*. The pass below the junction of the Rio San Pedro is equally impracticable. Between the Pimo settlement and the junction of the Gila with the Colorado, nature interposes no serious obstacle to the construction of a way of communication, such as the travelling public may demand. *But from the Pimo village to Rio del Norte I know of no practicable route, even for a wagon road, except by entering the State of Sonora, to avoid the Pinal Llaño mountains.*"

By no possible means, therefore, could a line of boundary have been obtained that would give us a route to the Pacific, even for a wagon road, without entering the State of Sonora. The treaty map gave us a district only to the first branch of the Gila; but by prolonging the line of the southern boundary of New Mexico two degrees along that river, the United States gained a tract of territory wholly unanticipated by the framers of the treaty of peace.

It has been stated that if the initial point had been fixed below the thirty-second parallel, it would give us a more practicable route. *Such is not the case.* If fixed below the thirty-second parallel, and the line were extended three degrees west, it would fall seventeen or eighteen miles farther east than it now does, as the Rio Grande has here a southeasterly course. But it cannot be supposed that if Mexico yielded a point below the thirty-second parallel, she would also yield to us the prolonged line three degrees west. Would our insisting upon this be using a "conciliatory spirit" towards Mexico? Would this be taking "no advantage" of her, which Mr. Secretary Buchanan so strongly and so honorably dwells upon in his instructions to the first commissioner, Col. Weller? That gentleman, I am sure, has too high a sense of honor and justice to have claimed the entire advantage of the two gross and acknowledged errors, had he been in my place. By fixing the initial point, therefore, below the thirty-second parallel, and extending the line west to the longitude of the southwestern angle of New Mexico, according to the treaty map, thence north, according to the treaty, this western line would have passed within six or eight miles of the Rio Grande, and the United States would have lost the whole region around the Copper Mines, the only valuable territory between the Rio Grande and the Pacific, along our line. The result of the line as agreed upon

by the joint commission, instead of that claimed and so strongly urged by the Mexican commissioner, is a district embracing 6,000 square miles in favor of the United States; showing, therefore, as the result of my course, a gain of a large extent of territory to the United States, instead of a serious loss, as has been charged against me.

In proof of what I have stated with reference to the advantages which the district traversed by the boundary commission presents for a railroad, I beg leave to add a quotation from a letter which appeared in the *National Intelligencer* on the 24th October, 1852, from a correspondent in Tennessee. The writer evidently followed the trail made by the commission:

“The southern route, by which I mean a line with its starting point at some approved point on the Mississippi, through southern New Mexico, to the Pacific; is *the shortest, least obstructed by nature*, and, from other important considerations, the *most feasible* of any other.

“The idea has obtained that the mountains to be passed will, as on the northern route, be serious impediments. There is no ground for this apprehension.

“Crossing the Rio del Norte at a point about one hundred and twenty miles below Socorro, or two hundred and seventy below Santa Fe, where our line of travel left that river and turned directly west, the proposed line of road would meet with no serious obstacle in crossing the mountains.

“We travelled Colonel Cooke’s route about eighty miles after leaving the river, and then followed a new trail. * * * I have seen nowhere any notice from any one who had travelled this route. But four parties had travelled it before us. It is a good route, being about eighty miles shorter than that travelled by Colonel Cooke—the distance from the point (the Two Buttes) where we left Cooke’s route to Tucson being about two hundred miles. The Sierra Madre mountain, where we crossed it, has very little of the mountain character. By a gentle slope we reached the top, and camped in a hilly, rather than a mountainous, region; and, as a proof that the road is not difficult, we travelled with our wagons thirty miles after nine o’clock on the day we left our camp. Thence to the Pimo villages on the Gila river, there is nothing in the way of the construction of a railroad, a great portion of the line being free from even any undulation of surface. Down the Gila no difficulty occurs, and none after crossing the Colorado until we reach the coast range of mountains.”

With high respect, I have the honor to remain your most obedient servant,

JOHN R. BARTLETT,
Commissioner.

HON. ALEX. H. H. STUART,
Secretary of the Interior.

WASHINGTON, February 12, 1853.

SIR: I had the honor to report myself to the department on the 3d instant, and now beg leave to state the present position of the commis-

sion organized and appointed for the survey of the boundary line between the United States and Mexico, agreeable to the fifth article of the treaty of Guadalupe Hidalgo.

On reaching Ringgold barracks, Texas, on the 20th of December, I received from the department a despatch advising me of the action of Congress in appending a proviso to the appropriation for defraying the expenses of the commission, and informing me that it would not be proper to make any further drafts upon the department; furthermore, if I had not the means already for completing the survey of the Rio Grande, that I would of course cease operations altogether, and return to the United States with the surveying parties.

I immediately consulted with Major Emory, the surveyor and astronomer of the commission, who was at Ringgold barracks awaiting my arrival, as to what course it would be best to take in the unfortunate dilemma in which the commission was placed. He informed me that he had left a party at Eagle Pass, and was then ready with another to commence operations on the lower section of the Rio Grande, from the mouth to Laredo; but that without a considerable amount of money at once to pay off liabilities already incurred, and to purchase new outfits, it would be impossible to continue the survey. Having with me, therefore, barely means sufficient to get home, my only alternative was to suspend operations, stop expenses, and order the parties home.

I then directed an officer to take all the wagons, mules, horses, camp equipage, and other property of the commission, excepting only the instruments and some provisions which had just been placed at different posts on the Rio Grande, and proceed with them to San Antonio, Texas. I directed him then to sell at public auction all the before-mentioned property, reserving only such a number of wagons, animals, camp equipage, and fire-arms, as would be necessary for the surveying parties when they should again take the field; have them to remain at some point near San Antonio, where the animals would be safe, and where they could be cheaply subsisted. I also authorized him to discharge and pay off all the employes except the officers; these were to be discharged and provided with the means to enable them to reach their respective homes, and there await the time when it could be in my power to pay them off in full.

The heads of surveying parties were ordered by Major Emory to proceed to Washington and report to him, with their field-notes.

Before leaving El Paso del Norte, I fitted out Lieutenant A. W. Whipple, with a party of twenty-one officers and men, to complete the line of boundary westward from $32^{\circ} 22'$ to the river Gila, so suddenly suspended by Brevet Lieutenant Colonel Graham when he withdrew Lieutenant Whipple from the work in July, 1851. An escort of twenty-five soldiers accompanied him, so that his party is sufficiently strong to protect themselves from attacks of the hostile Apaches by which they are surrounded. This duty, however, must necessarily have been a most arduous one at this inclement season, and it is a source of regret to me that it was rendered requisite by the survey being stopped in the manner stated. The order from the department to suspend operations cannot reach him until he will have finished the work, unless accident or necessities should require him to communicate with

the military posts in New Mexico. None but a large and strong party could communicate with him, should he be at the western extremity of the line near the Gila. He has been ordered to return with his party, and I have made arrangements for such facilities as they may be in need of to enable them to reach their homes.

It is not for me to speak of the act of Congress withholding the appropriation for the continuation of the boundary survey, even along the Rio Grande, about which there was no dispute. I acknowledge a rigid obedience of orders, whatever the result may be, and, as I before stated, suspended operations on the whole line in conformity with my instructions. The survey was suspended in October last for the want of funds, and but for that suspension would have been completed by the fourth of March of the present year, as I was informed by Major Emory in a communication of August last. To procure new outfits, organize new parties, and transport them back to the field of operations on the Rio Grande, will necessarily require time and a considerable outlay. Besides, the winter will be lost, which is the most propitious season for work; so that it will now require a much longer period to finish the work, and it is not improbable that it may be necessary to leave a portion unfinished until next winter.

From Indianola, onwards, during the whole period of the continuance of the commission, every opportunity that offered, without interfering with the direct object had in charge, was improved for the purpose of making explorations, instituting investigations, and forming collections in various departments of natural science; in studying the languages of the different Indian tribes met with, and gathering information and procuring materials illustrative of the character, manners, customs, &c., of these uncivilized people, in whose history, present condition and movements, and ultimate destiny, such a great interest is awakened, both at home and abroad. Diligent efforts were also used to procure sketches and drawings of important places, interesting scenery, valuable but perishable articles in natural history, portraits of prominent chieftains, &c., &c.

Dr. Bigelow and Mr. Thurber, who, in addition to their other duties, examined the botany of the region respectively passed over by them, made a very large collection of plants; the latter over a tract of country extending from the Gulf of Mexico, across the continent, to the Pacific ocean. Mr. Thurber, from my own personal observation, was untiring in his labors, and persevering and indefatigable in his exertions to make thorough examinations and complete collections of everything belonging to his department, notwithstanding the numerous difficulties he had to encounter, and the various obstacles that impeded him. He, in addition, formed an extensive herbarium, embracing the plants, etc., collected in the various States of the republic of Mexico visited by us. Although efforts have been, and still are being, made to detract from their merit by unwarrantably thrusting before the public an announcement of the labors of individuals who *subsequently* went over the ground, thus unjustly anticipating the publication that will be made with my official report, I doubt not but that, when the results of the labors of these gentlemen are made known, they will be found to reflect great

credit upon them, and to furnish important accessions and constitute valuable contributions to the cause of science.

The department of geology was under the special charge of Mr. Theodore F. Moss, of Philadelphia, until August, 1851, when, on the reduction of the commission, his further services were dispensed with. At the time of his leaving, he had not submitted to me a report of his labors, but was so to do subsequently. From the geological features of the country passed over, and the peculiarities which characterized portions of it, a highly interesting and valuable report should be looked for. After his departure, several individuals, among them Dr. Webb particularly, contributed their services in collecting such mineralogical specimens as existing disadvantageous circumstances would allow. It was highly desirable to institute a continuous series of geological and mineralogical researches, and to form a cabinet illustrative of the structure and mineral resources of the whole region; but so great was the hostility of the Indians that infested those parts, it was deemed imprudent, indeed highly hazardous, to go even a short distance from camp, or from the party when on the march, excepting accompanied by an escort, which could not be furnished, owing to the limited number of men at my disposition. Indeed, so general and widespread was the apprehension of danger from the Indians, that whilst at Fort Fillmore, the commander of that post decided it was injudicious for us to make a visit to the Organ mountains, in the immediate vicinity, unaccompanied by a guard, and therefore detailed a detachment of dragoons for our protection. Again, the morning that we were attacked by a band of Indians, Dr. Webb was ahead of the train, on foot, engaged in mineralogical pursuits, and as he passed the spot where the foe was in ambush, he incurred a great risk of being either captured or killed. Notwithstanding, however, every drawback, a large collection of minerals was made, no inconsiderable portion of which was unfortunately abandoned on the desert, for the want of means of transportation—many of the pack-mules (as has already been reported to the department) having given out from exhaustion, consequent upon excessive heat and necessarily limited provender. Still, quite a number of boxes have been saved, the contents of which will in due time be made known. A collection of reptiles, insects, &c., has also been formed. Several other gentlemen have been diligently occupied in different branches of natural science; but as they have not as yet submitted their reports to me, (which, when prepared, they undoubtedly will do, no other officer having any right or authority to use them,) I cannot, at this time, make any more special reference to them.

By the preceding statements it will be seen that no exertions were spared, no suitable opportunities omitted, to do all in my power to advance the cause of science; *and that much has been accomplished*, notwithstanding unceasing endeavors have been used, for selfish purposes, to produce an impression to the contrary.

The Indian tribes occupying the vast regions in Texas, New Mexico, and California, as well as those inhabiting the Mexican States contiguous to the boundary line, received my attention. In addition to statistical information, I have, as already intimated, collected portraits characteristic of various tribes, and drawings representing their manners and

customs. I have also made very complete collections of vocabularies of the tribes referred to—a contribution to science eagerly sought for by the scholars of both America and Europe, and which, now that these tribes are fast diminishing, it becomes important to obtain.

The peculiar character of the country, extending from ocean to ocean along the boundary line, and in the States contiguous, is so totally different from that east of the Rocky mountains and north of Texas, and which, moreover, presents such strange and singular anomalies, I have had delineated by a series of some hundred sketches. These sketches convey to the mind a better idea than the most elaborate description. They relate to Texas, New Mexico, California, Chihuahua, Sonora, the rivers Del Norte, Gila, Colorado, etc. In taking these, I availed myself of the valuable services of Mr. H. C. Pratt; and the manner in which he executed the work will materially add to his already well-earned reputation.

With high respect, I have the honor to remain, your obedient servant,
JOHN R. BARTLETT,
Commissioner.

Hon. ALEX. H. H. STUART,
Secretary of the Interior.

SANTA RITA DEL COBRE, NEW MEXICO,
July 25, 1851.

SIR: The following results and conclusions have been arrived at on my part, after careful and mature reflection, and I have therefore the honor to report, and advise you of the same:

Your request to me on our interview of Tuesday has been fully attended to. I have examined and revised the records of the proceedings before deciding relative to a confirmation of, or agreement to, the operations which have been carried on in the further demarcation of the boundary, and to which a full agreement becomes necessary in order to be binding. The treaty gives to the two commissioners and two surveyors commissioned by their respective governments, jointly, the full power of running and marking the entire boundary between the United States and the Mexican republic, as defined by the fifth article, and their joint acts and decisions in this demarcation are to be considered "a part of the treaty," and held "sacred by the two governments."

It was, no doubt, a misfortune, the non-arrival at El Paso of one or two of the above named officers as early as the others; and a still further detention of myself may have been the cause of some delay and loss of time.

Nevertheless this event, unforeseen and not expected, was fortunately provided for in the adjournment from California of the joint commission. Either party arriving at the time or place before the other, by an express stipulation (vide the journal,) could push on its operations as far as practicable, "*subject, of course, to the examination and revision of the other party.*" The Mexican officers fully agreed to this. I was unfortunate in not reaching El Paso, the place to which we had adjourned, until some time after the operations had been pushed forward.

The causes of my delay I will not here discuss, as for such I am responsible to my government at Washington, and it is answerable for any detention. This, however, cannot be taken at all into consideration, by its influencing or governing in the smallest degree the revision and examination I shall now enter into relative to the initial point upon the Rio Grande, and that part of the southern boundary of New Mexico on which the operations seem to have been carried on in my absence. These operations are by joint agreement subject to be *revised and examined by any one of the joint commission*, as to their true and proper situation in accordance with the spirit and terms of the treaty.

The first operation seems to have been, that of taking a *point of latitude* on the Rio Grande, as one called for in the treaty, where the river strikes the southern boundary of New Mexico.

The Mexican commissioner and surveyor have selected, as this point, the intersection with the river of the parallel of thirty-two degrees twenty-two minutes north latitude; and from thence they are running the line westward. Their reasons and arguments I have made a copy of, and appended to this for convenience of reference; also a true copy of that portion of Disturnell's map to which I refer.

General Condé, the Mexican commissioner, observes: "It is unquestionable that the intention of the commissioners in drawing up the treaty was, that the southern and western boundary limits of New Mexico should be those marked upon Disturnell's map, and sealed in the same treaty. It is likewise definitely explained in the second part of the fifth article." In this I agree perfectly. But he says: "This map being drawn upon false statements—that is to say, things appearing on it which exist not on the ground—it is necessary to adopt a mean of fulfilling the will of those who made the treaty." Here I cannot agree with him. Drawn upon false statements, because things "appearing on it" "exist not on the ground!" Was there ever a map of an extensive country made, that had not *some things* incorrectly marked upon it? The line of the southern boundary of New Mexico appears upon the map, but it does not as yet exist upon the ground; still, it forms a very important part of the map itself, and we are sent here to cause it to *exist* upon the ground. Now, although there are some things appearing upon this map that do not appear upon the ground, yet there are other things appearing upon it that *do* exist upon the ground—for instance El Paso. There is no necessity, therefore, in adopting a *mean* of fulfilling the will of those who made the treaty. I doubt whether it is left to us to alter either the *will* or the *words* of those who made the treaty.

He goes on to say, "the first thing to be taken into consideration in order to draw the parallel which forms the southern boundary of New Mexico is the starting point, or initial point. This parallel is a sinuous line on the map, which it is impossible to draw upon the ground; hence it is that we can estimate it as a parallel: by taking the medium latitude of it between the maximum and minimum, which this sinuous line gives, it results 32° 22' of latitude. This must, then, be taken as the initial point." Now, *he assumes* the southern boundary line of New Mexico to be a "parallel." If the line is truly intended for a parallel, of course we cannot mark it upon the ground as a crooked or sinuous line. To *establish* it as a parallel, then, by taking the medium latitude

between the maximum and minimum, which this sinuous line might give, does not result, however, in latitude " $32^{\circ} 22'$;" and this, therefore, cannot be taken as the latitude of the initial point upon the river.

The line may be laid down in a wrong latitude with reference to *the* parallel as marked upon the map; but as there is no mention made of *latitude* in describing it in the treaty, it must be referred to other things. If we wish to get at the true latitude of this line, we must do so by computing it from the true latitude of El Paso—an actual place existing upon the map and upon the ground, and likewise mentioned in the treaty. The distance from the town to the point where the Rio Grande "strikes the southern boundary of New Mexico" is a little over eight miles, as measured by the scale drawn upon Disturnell's map—and which map we are compelled to be governed by, right or wrong, as the lines of parallels or meridians may be. Admitting El Paso to be wrong with reference to *these* parallels of latitude, as it is a natural "thing," appearing upon the ground, as well as upon the map, we can ascertain its true latitude by observation. It will be found that the parallel of latitude of $31^{\circ} 45'$ north passes through it. Now, as the southern boundary of New Mexico actually measures only eight miles, or thereabouts, north of El Paso by Disturnell's map, and this distance being turned into minutes and seconds of latitude, (seven minutes very nearly,) and this being added to that of El Paso, as it is north of the town, places the *line* in $31^{\circ} 52'$ very nearly. Hence it cannot be in latitude *thirty-two degrees twenty-two minutes*, as proposed by General Condé.

Again General Condé remarks: "An error on the map, which must not be overlooked, was the subject of prolonged discussions between ourselves; but the good faith and absolute obedience which we pay to the text of the treaty led us to a conformity of ideas, $32^{\circ} 22'$ being agreed upon as the parallel of which I treat."

It is to be regretted extremely that the astronomer, the next officer in the absence of the surveyor, sent out to aid and assist you, particularly when such problems arose, did not solve the apparent mist which seemed to shroud this "error on the map," and thus prevent those prolonged discussions which the Mexican commissioner appears to refer to. This *error* which General Condé alludes to as not to be overlooked, being of course that of the wrong position upon Disturnell's map of the parallel of the 32d degree of north latitude, where it crosses the Rio Grande, has nothing whatever to do with the settlement of the point where the southern line of New Mexico leaves the river. It cannot be, as he seems to think, that the "author (of the map) places the town of El Paso del Norte immediately *below* the dividing line, for facts show the reverse, and that he actually *placed the dividing line immediately above or north of El Paso*.

If General Condé will refer to Disturnell's map, which the treaty obliges us to follow, he will see that, *practically*, the important natural points from El Paso to Santa Fé (within which space somewhere, of course, the line must lie) bear the same relative positions to each other upon this map that they actually do upon the ground! Hence it is conclusive that this part of the map at any rate must be taken as *relatively* correct, without regard to the parallels of latitude; and conse-

quently the boundary line must also bear its relative position to El Paso upon the ground that it does upon the map. Therefore, if he asserts (and which we may admit, although I consider it foreign to my interpretation of the treaty) that El Paso is wrong with reference to the parallel of 32° north latitude, and should be placed further south, he *must* admit that as Santa Fé, Valencia, El Paso, and the river and places generally, bear the relative position to each other above referred to, that also the map itself, in this part of the country, must be placed proportionally south, and the line likewise. Hence El Paso cannot be an indifferent point, unless the map of Disturnell is looked upon indifferently, which, *it* having been made absolutely a part of the treaty, cannot be.

General Condé having alluded to the *author*, I will remark that as regards his placing El Paso immediately below the line, thus insinuating that the author has made the town consequent to the line, it has been proved that he made the line *consequent to the town*; and a still further proof of it is shown from the fact that Disturnell, in publishing another map (dated in 1849, and entitled, if I recollect right, Map of California, New Mexico, &c.) has marked on it the parallel of the 32d degree of north latitude *right* with reference to the town of El Paso, and the line *also* he continues to place immediately north of the town.

Mr. Trist, the honorable commissioner on the part of the United States, in negotiating the treaty, was aware of our government having lost, and been troubled, at least twice before, by reference to parallels of latitude in defining its national boundaries, not knowing their relative position upon the earth to permanent natural objects. I refer to "Rouse's Point," on the northeastern boundary, and to the meridian line between the United States and the late republic of Texas. When the demarcation of the latter line took place, in 1841, it was found that, referring to the *true* position of the parallel of the 32d degree of latitude, where it crossed the river Sabine, the whole of the 17th range of townships fell into Texas. It was part of the States of Louisiana and Arkansas, and a large proportion of which, after being sectionized, had been sold by the government and settled upon as United States territory. It had to be given up, and the money paid into the treasury by those who purchased any portion of it returned.

By the *text* of the treaty it will be seen that in no instance does it mention parallels of latitude, or meridians of longitude; and regarding the *will* of those who negotiated the treaty, the undoubted inference must be drawn that they scrupulously avoided them in every way, preferring natural objects upon the earth's surface to these imaginary and unmarked lines; and by this they have elucidated to my mind a clear and unmistakable description of the boundary from the Pacific to the Gulf of Mexico.

This point being proved, "the good faith and absolute obedience" (to use the General's own language) which he pays to the "text" of the treaty, *must* lead him to believe his ideas relative to the initial point in question being in 32 degrees 22 minutes north latitude were based upon erroneous impressions.

"The question looked upon in this light would lead to serious errors,"

the Mexican commissioner says. By this, I presume he refers to locating the initial point of the line upon the ground, by its relative distance from El Paso, as measured on the scale of the map.

He says it will destroy the boundary system of New Mexico adopted in the treaty! I am not aware of but one system which seems to have been adopted in the treaty while describing the entire line; and that is, throughout, to avoid referring in any way to latitude or longitude. It is notorious that the lines representing parallels and meridians placed upon the map, referred to in the treaty, are wrong; and why should not the negotiations throw them out altogether? This appears to be exactly what they did do.

In the second objection which he makes, I think his argument has but a slight basis; for why not take the central part of the town—the plaza, the church, or such other public point?

Again: the third, which he considers the most powerful in his favor, I look upon as the weakest, the most powerful against him; for he says the “consequence of these transactions would be to adopt a *parallel* which was not found *marked* upon the map, nor *mentioned* in the treaty of peace.” By this latter acknowledgment his whole reasoning falls to the ground, for it is exactly what he has argued to carry out, but which I trust he will not endeavor longer to sustain; for he has fallen upon a parallel which is *neither mentioned in the treaty of peace nor marked upon the map*.

I look upon the final settlement by us of this “initial point” on the Rio Grande as fixing the position of the entire southern boundary of New Mexico. The principle upon which the one is settled must decide the other.

Finally, as precedents sometimes govern principles, I will here call your attention to the fact, that, in ascertaining the beginning point on the Pacific, a doubt arose as to the exact “southernmost point of the port.” The treaty obliged us to go by “Don Juan Pantoga’s map of 1782.” The conformation of the coast now was entirely different from that laid down; still, a bluff point some distance north of the lower point of the port appeared the same on the map as upon the ground. From this point, representing the bluff, was measured, by the *scale of the map*, the distance to the most southern point as laid down on the plan. This distance was laid off on the ground, and its extremity taken for the southernmost point of the port; according to Don Juan Pantoga. It fell far beyond what would now be considered the “southernmost point;” yet, nevertheless, from this the marine league was run and the initial point established.

And now, Mr. Bartlett, having submitted my views and opinions, being the regularly commissioned surveyor on the part of the United States to assist and co-operate with you, I advise an immediate suspension of the work upon the line which the Mexican officers are now running, and that you inform them that the final decision of this line may be changed from the want of confirmation and agreement of your colleague. I trust that my reasons will prove clear and conclusive to you relative to the true position of the southern boundary of New Mexico; and I shall deeply regret any loss of time which the re-running of this small portion of the line may occasion. But it is your duty, as

well as mine, (and I look upon it in the same light with regard to the Mexican commissioner and surveyor,) if we have been misguided, or committed an error, arising from the want of proper information or otherwise, and we are convinced of it, that we are *bound* to correct it.

It is a high and heavy responsibility which rests upon us. The two governments have placed their rights, in the demarcation of this line, in our hands to decide lawfully and conscientiously; and the high tone and principle which the Mexican officers seem desirous of maintaining with us, I am sure, will lead them to correct any error which they may have fallen into.

By our joint decision, solemnly and legally concluded, our respective governments have to abide—by it the citizenship of a community depends. A matter of a few days or a few months is not to be considered. No influence must bring us to a wrong decision; by it the future hopes, the happiness, and the welfare of many may be sacrificed—may be lost forever.

As it is principle, not interest, that has governed us, and will, I hope, continue to do so, I have not considered the value of one portion of country more than another in acting upon this boundary. I believe the same likewise to actuate all the Mexican representatives.

Should a temporary suspension of work take place upon one portion of the line, growing out of a difference of opinion or otherwise, we can carry on the survey of another part. So, should we all not come to a final agreement of the beginning point of the southern boundary of New Mexico, and feel obliged to refer it to our governments, the survey of the Gila river can still be progressing, and also that of the Rio Grande, if advisable.

I have the honor to be, with the highest respect, very faithfully yours,

A. B. GRAY,

U. S. Surveyor, &c.

HON. JOHN R. BARTLETT, *U. S. Commissioner,*

Under 5th art. treaty of Guadalupe Hidalgo, &c.

APPENDIX.

ENCAMPMENT, SANTA RITA DEL COBRE,

New Mexico, July 31, 1851.

SIR: Upon further examination since my last communication to you, I am still more strengthened in the belief that the line representing the limit upon Disturnell's map of the southern boundary of New Mexico never was marked as a parallel, and that the point where it leaves the Rio Grande never was intended to have reference to latitude, but natural positions, existing on the ground and represented upon his map.

It will be seen that the "parallels" and "meridians" which represent boundaries upon Disturnell's map are bold and peculiarly divided or dotted lines, so marked in contradistinction to those boundaries not intended to refer to parallels or meridians. They are direct and not sinuous lines, as the others, and are laid down east and west, and due north and south. For example, the northern line of Alta California;

the original dividing line between Upper and Lower California; the east line of New Mexico or Santa Fe, (a meridian between Red river and the Arkansas;) the meridian line between the Sabine and Red river; all of which were lines of boundaries first established by Mexico. But it appears almost all the interior boundaries of the various departments forming the United Mexican States were described by rivers, ranges of mountains, roads, trails, routes of travellers, or by actual objects that have existed or do exist upon the ground. This can be observed by almost any map of Mexico having its various departments marked upon it, and hence the cause of these boundaries being *sinuous* lines.

The line of the southern boundary of New Mexico or Santa Fe, as laid down in Disturnell's map, has not its "*initial point*" upon the Rio Grande, but upon the Colorado or Red river, where the meridian line north to the Arkansas leaves it. It then appears to follow up the southern or Choctaw branch of Red river to its head; thence across to the head of the —— river (the northern terminus of the department of Texas;) thence across to El Paso del Norte (the north pass of the Rio Grande;) and thence westwardly; all plainly and distinctly laid down in a peculiarly dotted line, sinuous, and different from those defined by parallels or meridians.

The treaty in describing the western boundary says: "From thence up the middle of that river (Rio Grande,) following the deepest channel, where it has more than one, to the point where it strikes the southern boundary of New Mexico; thence westwardly, along the whole southern boundary of New Mexico, (which runs north of the town called Paso,) to its western termination; thence northward," &c., &c. We are required, then, by the treaty itself to judge by Disturnell's *map* what is defined as the southern boundary of New Mexico, and consequently the "point where the Rio Grande strikes it," at least until it is proven by the law (that of the Congress of Mexico) to be otherwise. Now, in the absence of the text of that law, which might possibly throw some light upon the question, and which *we* do not possess, but which if General Condé does, he takes care in his arguments not to bring forward or even refer to, then I say but one result, but one inference alone, can be drawn from what I have proven, that the line where it crosses the Rio Grande, the *point* where the river strikes it, is at the pass of the Rio del Norte.

This pass is known to everybody in the neighborhood to be only a few miles north of the central part of the town bearing the same name. The great and only road leading from Santa Fe through Chihuahua and to the capital of Mexico crosses here.

It is an unchangeable ford, a natural rapid, or dam, (since artificially added to, or improved upon;) the only one of the kind known on the whole upper part of the river, and hence its name of El Paso.

Also, "the southern and western limits of New Mexico, mentioned in this article, are those laid down in the map entitled 'Map of the United Mexican States, as organized and defined by various acts of the Congress of said republic, and constructed according to the best authorities; revised edition, published at New York in 1847, by J. Disturnell.'"

I wish to give you these points as bearing with particular reference to the settlement of the entire line of the southern boundary of New

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Mexico, and to aid me in proving that the point to start from, on the river, is some thirty miles (very nearly,) more or less, south of what General Condé endeavors to show *should* be the "initial point;" and, consequently, the thickly populated town of Messila, its beautiful and highly cultivated valley, and the rich and fertile bottom-land; for this entire distance, rightfully, is a part of the territory of New Mexico, and belongs to the people of the United States.

I have to ask that this may be placed as an appendix to my last communication.

Very respectfully, I remain, your obedient servant,

A. B. GRAY,
U. S. Surveyor, &c.

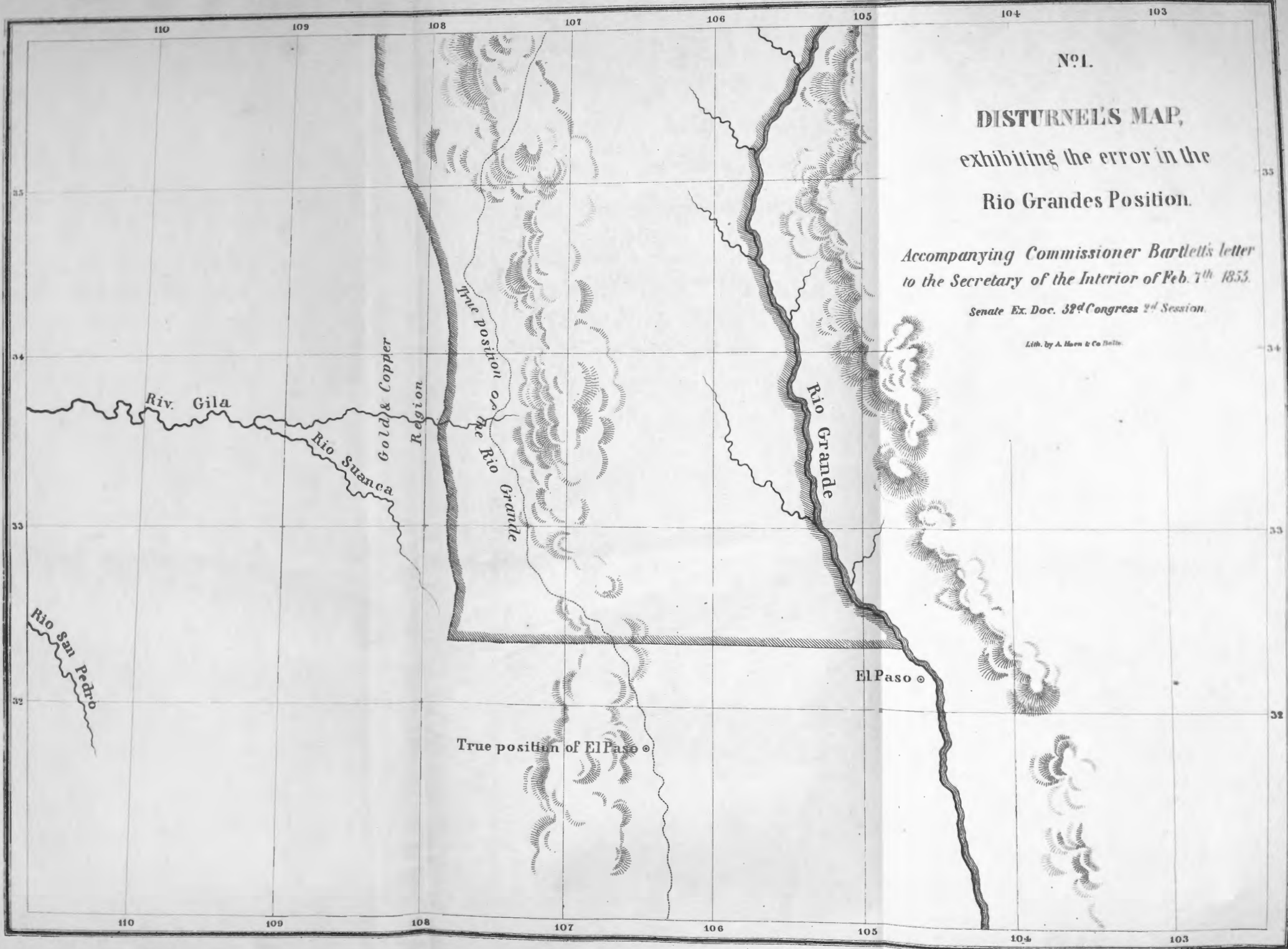
HON. JOHN R. BARTLETT,
U. S. Commissioner, &c., &c., Treaty of Guadalupe Hidalgo.

P. S.—Just as I was having the above copied, before sending it to you, yours of the 30th was handed to me by Mr. Haughton.

I merely attach this postscript to acknowledge its receipt, and to add that I regret what is so clear and conclusive to my mind (from the facts set before me—the arguments of General Condé) is not so to you. You say that you received mine of the 25th inst., in reference to the "initial point of 32° 22'", agreed upon by the joint commission as the point where the Rio Grande strikes the southern boundary of New Mexico." I respectfully refer you to that communication again, as it was not with reference to the initial point as agreed upon by the "*joint commission*." The peculiar wording of the treaty, by which these points and lines are to be decided, has made the "joint commission" to be composed of four persons; and as I happened to have held, at that time, one of those commissions, regularly commissioned by the President, by and with the advice and consent of the Senate—the treaty-making power in the United States—commissioning me, on the part of the United States, "to run and mark the boundary line according to law," and as I was not superseded by the President, but still possessed that commission, signed by him and sealed by the department, and no one else did, there could not possibly be another *legally* holding the same commission. Now, as I never agreed that the point was at 32° 22', it is clear that it was not an act final of the *joint commission*, but a sort of *ex parte* act, and not binding without the confirmation of the absent commissioned person. If you do procure such maps and documents as will aid you in elucidating, as you say, the points at issue, and I am convinced that the line should commence so far up the Rio Grande as 32° 22', I shall immediately agree to the same. Still, should I procure any further information to enable me to cause you to be yet convinced of its error, I shall lay the same before you.

I take this opportunity to renew to you my high personal regard and esteem.

A. B. GRAY,
Surveyor, &c.



Nº1.

DISTURNEL'S MAP,
 exhibiting the error in the
Rio Grandes Position.

*Accompanying Commissioner Bartlett's letter
 to the Secretary of the Interior of Feb. 7th 1855.*

Senate Ex. Doc. 32^d Congress 2^d Session.

Lith. by A. Horn & Co. N.Y.

Riv. Gila

Rio Suanea

Gold & Copper
 Region

True position of
 the Rio
 Grande

Rio Grande

El Paso ○

True position of El Paso ○

Rio San Pedro

110

109

108

107

106

105

104

103

35

34

33

32

35

34

33

32

110

109

108

107

106

105

104

103

111°

110°

109°

108°

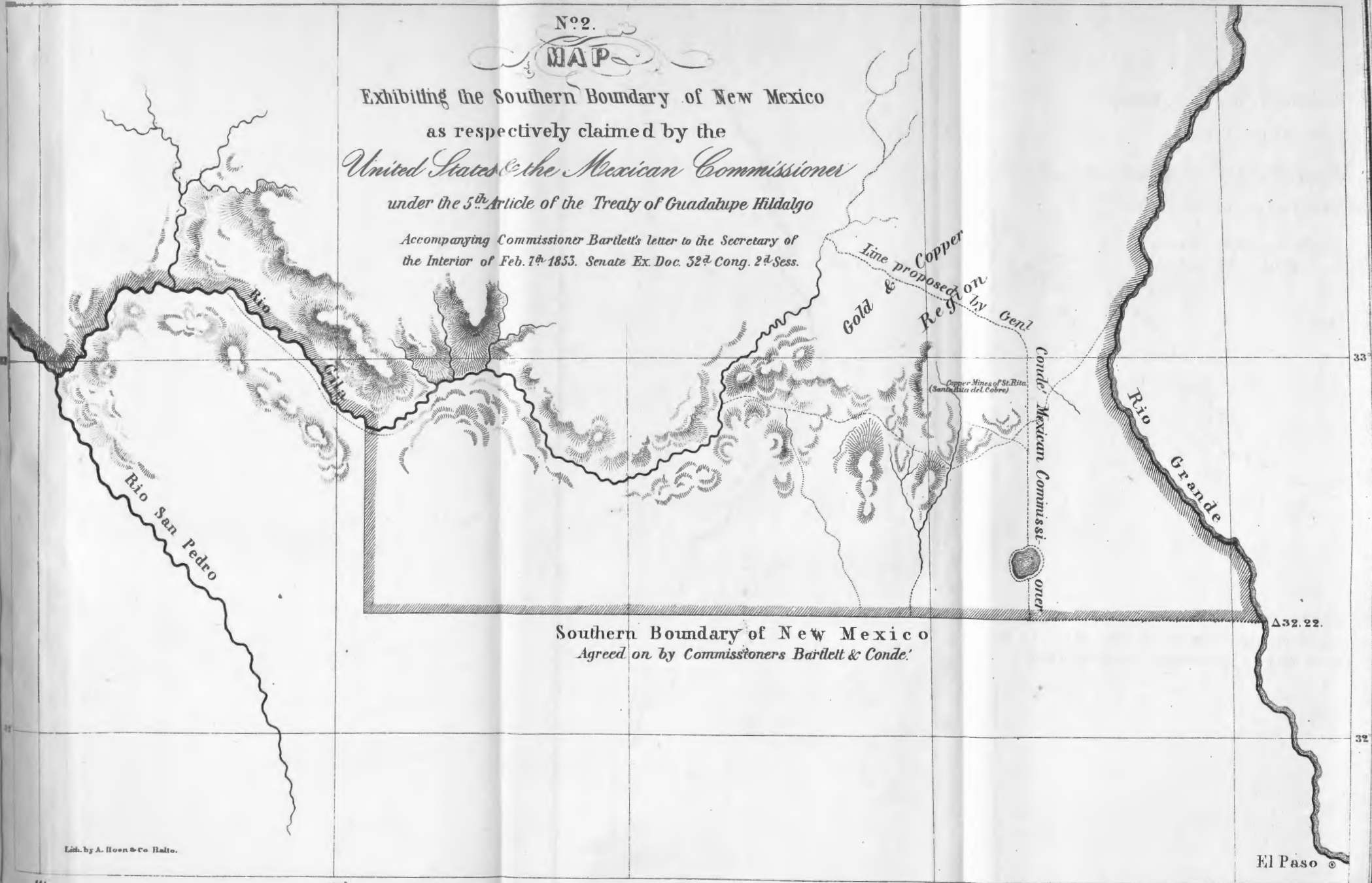
107°

Nº 2.

MAP

Exhibiting the Southern Boundary of New Mexico
 as respectively claimed by the
United States & the Mexican Commissioner
 under the 5th Article of the Treaty of Guadalupe Hidalgo

Accompanying Commissioner Bartlett's letter to the Secretary of
 the Interior of Feb. 7th 1853. Senate Ex. Doc. 32^d Cong. 2^d Sess.



Southern Boundary of New Mexico
 Agreed on by Commissioners Bartlett & Conde!

Δ 32. 22.

Lith. by A. Hoen & Co. Balto.

El Paso ©

111°

110°

109°

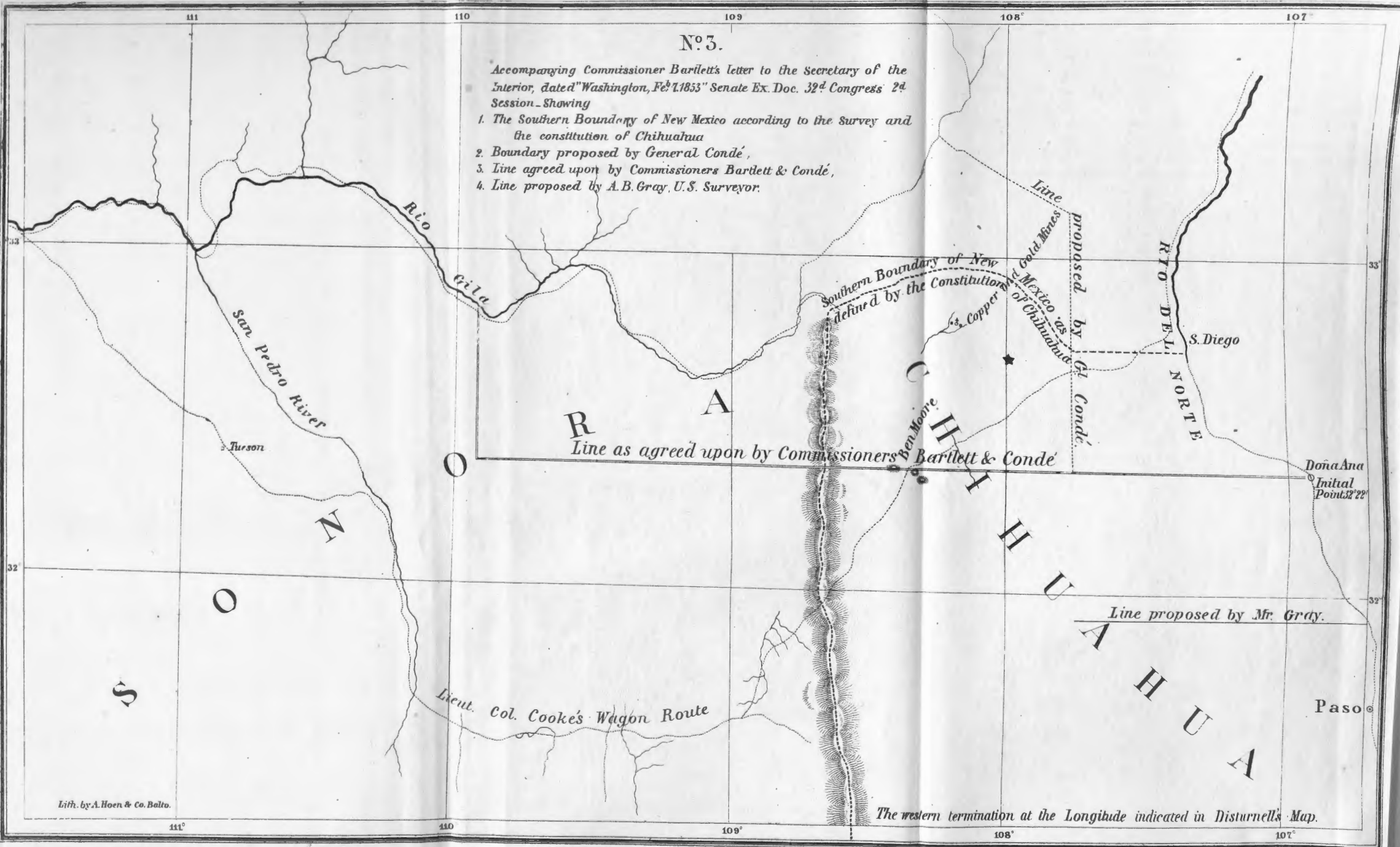
108°

107°

Nº 3.

Accompanying Commissioner Bartlett's letter to the Secretary of the Interior, dated "Washington, Feb. 1. 1853" Senate Ex. Doc. 32^d Congress 2^d Session. Showing

1. The Southern Boundary of New Mexico according to the Survey and the constitution of Chihuahua
2. Boundary proposed by General Condé,
3. Line agreed upon by Commissioners Bartlett & Condé,
4. Line proposed by A. B. Gray, U. S. Surveyor.



Southern Boundary of New Mexico as defined by the Constitution of Chihuahua

Line proposed by General Condé

Line as agreed upon by Commissioners Bartlett & Condé

Line proposed by Mr. Gray.

The western termination at the Longitude indicated in Disturnell's Map.

Lith. by A. Hoen & Co. Balto.

111°

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Paso

Doña Ana Initial Point 32° 22'

S. Diego

Tucson

Río

Gila

San Pedro River

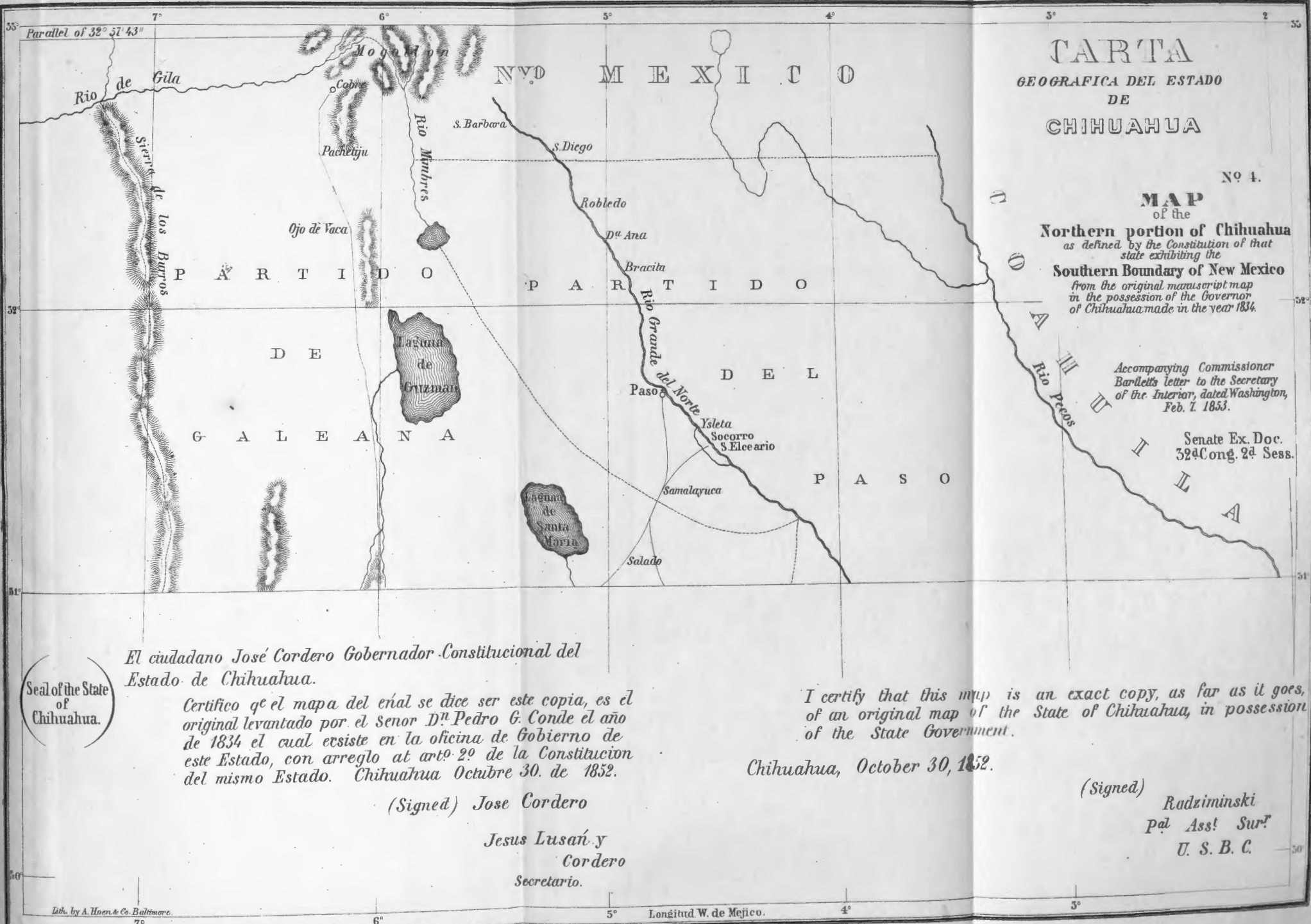
Line proposed by Mr. Gray

Gold Mines

Line proposed by General Condé

RÍO DEL NORTE

Lieut. Col. Cooke's Wagon Route



CARTA
GEOGRAFICA DEL ESTADO
DE
CHIHUAHUA

Nº 4.

MAP
of the
Northern portion of Chihuahua
as defined by the Constitution of that
state exhibiting the
Southern Boundary of New Mexico
from the original manuscript map
in the possession of the Governor
of Chihuahua made in the year 1834.

Accompanying Commissioner
Barlett's letter to the Secretary
of the Interior, dated Washington,
Feb. 7. 1853.

Senate Ex. Doc.
324 Cong. 24 Sess.

*El ciudadano José Cordero Gobernador Constitucional del
Estado de Chihuahua.*

*Certifico que el mapa del enal se dice ser este copia, es el
original levantado por el señor D^o Pedro G. Conde el año
de 1834 el cual existe en la oficina de Gobierno de
este Estado, con arreglo al artº 2º de la Constitución
del mismo Estado. Chihuahua Octubre 30. de 1852.*

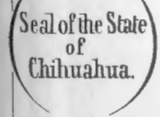
(Signed) Jose Cordero

*Jesus Lusañ y
Cordero
Secretario.*

*I certify that this map is an exact copy, as far as it goes,
of an original map of the State of Chihuahua, in possession
of the State Government.*

Chihuahua, October 30, 1852.

(Signed)
*Radziminski
Pal. Ass! Sur^r
U. S. B. C.*



No 5.

THAT PART OF
DISTURNELL'S TREATY MAP
in the Vicinity of the Rio Grande
and Southern Boundary of New Mexico

referred to by W. L. Surveyor
in
(his Communication to the Commissioner)

JULY 25 1851.

Showing his plan of removing the parallels.

Senate Ex. Doc. 32d Congress 2d Session.

Note:

The Santa Fe Road was laid out in 1825
Distance from Independence to Taos
130 miles, to Santa Fe 840 miles.

True position of parallel of
36° N. Lat.

True position of parallel of
34° N. Lat.

True position of parallel of
32° N. Lat.

Scale of English Miles.
0 10 20 30 40 50 100 150

