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Report of the Secretary of the Interior, communicating, in further compliance with a resolution of the Senate, certain papers in relation to the Mexican Boundary Commission.

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S. Exec. Doc. No.6, 33d Cong., Sp. Sess. (1853)

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REPORT

OF

THE SECRETARY OF THE INTERIOR,

COMMUNICATING,

In further compliance with a resolution of the Senate, certain papers in relation to the Mexican Boundary Commission.

MARCH 22, 1853.—Referred to the Select Committee on the subject, and ordered to be printed.

MARCH 23, 1853.—Ordered that 2,000 additional copies be printed for the use of the Senate.

DEPARTMENT OF THE INTERIOR,
Washington, March 21, 1853.

SIR: On the 14th ultimo my predecessor, in answer to a resolution of the Senate of the 10th, calling for "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," transmitted the report of Mr. Commissioner Bartlett, dated the 7th ultimo, and stated that the residue would be sent as soon as the copies were made.

The papers selected as being embraced by the resolution have been copied, and I now have the honor to communicate them to the Senate herewith.

I am, sir, with much respect, your obedient servant,

R. McCLELLAND,
Secretary.

Hon. D. R. ATCHISON,
President of the Senate.

WASHINGTON, *February 14, 1853.*

SIR: The estimate this day submitted will give a very precise idea of the quantity of work remaining to be done on the Rio Grande; but a specific account of what has been accomplished is requested in your letter of the 9th instant, and is also proper to be made, as a record of the operations of the joint commission up to this date.

On arriving at Frontera and taking charge of the operations of the commission in that quarter, in November, 1851, I found my predecessor in the act of erecting an observatory at that point. I was also specially informed by him that no satisfactory determinations had been

made at that or at any point on the river below; nor was there a trace or a note left me of any observations having been made there or elsewhere, except of the point determined by you and Lieutenant Whipple as the initial point on the river, in latitude $32^{\circ} 22'$.

I found two parties engaged in the survey of the river, under the orders of Colonel Graham—one having commenced two months preceding my arrival, at the point $32^{\circ} 22'$, on the river; and the other having commenced a week or ten days preceding my arrival at Frontera. The first had nearly reached Frontera; and the other was met by me opposite El Paso, having completed about eight miles. This was the state of the work as I found it.

I immediately completed the erection of the observatory at Frontera, which I took charge of in person; established another at San Elizario, under the direction of Lieutenant Smith; and detached Lieutenant Michler, with two parties, to establish an observatory at Eagle Pass, and to commence the survey of the river *upwards* from that point. At the same time, the two surveying parties found in the field were reinforced and re-equipped, and reinstructed to push the survey with all despatch consistent with a due regard to accuracy. This was in mid-winter, the ground covered with snow; and, as the official correspondence already shows, with not a dollar at my command. From that time until the 15th of November—when the work was virtually suspended—the survey was pressed under every disadvantage; and with what success, will be shown by the following summary of results:

1. The positions of Frontera and San Elizario were determined in latitude, and their positions in longitude determined by observations running through four lunations; and the stations, together with the astronomical station of Mr. Salazar, at El Paso, connected together by flashes—the combined observations forming, probably, the best determined geographical position in the interior of the continent.

2. ~~The~~ position of the Cañon, one hundred miles below San Elizario, was elaborately determined by me, and connected with San Elizario by flashes.

3. The Presidio del Norte was determined by me, elaborately, in latitude and longitude.

4. The latitude of Eagle Pass was determined by Lieutenant Michler, the longitude by myself.

5. The position of Loredo was determined by me, (nearly,) and observatories erected at Ringgold barracks, ready to set up the great instruments, when the work was suspended.

6. Various intermediate points were determined, in latitude, by the sextant, and the approximate longitude by the passage of chronometers.

7. The survey of the river from El Paso to the Presidio del Norte, was completed by assistant Von Hippel.

8. The survey of the river from Eagle Pass to Loredo, under the orders of Lieutenant Michler.

9. The survey of the river from Eagle Pass to the mouth of the Pacos, by assistant Schott.

10. The survey of the river from Presidio del Norte to Fort Vincente, by assistant M. T. W. Chandler.

11. The resurvey of the river from Frontera to $32^{\circ} 22'$, by principal assistant Charles Radziminski.

An examination of the notes of this survey originally made, and the attempt to plot them, showed them insufficient and inaccurate. In stating the necessity of making this resurvey, I wish distinctly to be understood as casting no reflection on my predecessor, who, I have no doubt, would have done the same thing himself; and who, if my recollection serves me, expressed doubts of its sufficiency. I ordered the resurvey with reluctance, knowing that I was touching on disputed ground, with which I desired, in its then condition, not to touch; but it occurred to me—and I think the judgment sound—that if any weight or consideration could be attached to commencing the survey at that point, the consequences, if any, had already been incurred, and that it was to the best interest of the government, if it made any survey at all, to make a correct one.

All the work enumerated from 1 to 11, has been examined by myself or by an officer of topographical engineers, and may be considered as admissible, except that in the 10th section, which has not yet been received; and I have delayed this statement in hopes that the assistant in charge, and in possession of the notes, would arrive, to afford me the opportunity of doing so. One of the sub-assistants of that party, who took an efficient part in the survey, has arrived, however, and I am induced to think the work, as far as it went, will be acceptable.

This section, the most difficult on the work, was intended to reach to the mouth of the Pecos, and connect with that of assistant Schott at that point; but, from causes which could not be avoided—the accidental destruction of the boats, and the impassable character of the ground on the banks of the river—the party broke down at Fort Vincente; and at the moment of preparing a refit, intelligence was received which suspended the work.

So, then, with the exception of this distance between Fort Vincente and the mouth of the Pecos, about one hundred miles, which has been reconnoitred and presents no difficulties in its execution, the work is completed to Laredo. Besides which, observatories have been erected at Ringgold barracks, and most of the materials collected and in place for the final observatory at the mouth of the river. It was contemplated, and I think with reason, that six months more of uninterrupted labor would have completed the field-work.

I make no note here of the surveys made incidentally, such as the reconnaissance of the road by the way of Coralitas to the Pimos villages, by assistants Ingraham and Parry; the reconnaissance of the route on the parallel of $31^{\circ} 43'$, as far as Lake Guzman, by assistant Gardner; of the opening, by myself, of a wagon road from Presidio del Norte to the San Antonio road, by which the distance to and from Chihuahua is reduced six hundred miles; and the reconnaissances made on the Mexican side, and the opening of a more direct road from El Paso to the Presidio del Norte; and of the survey and barometric levellings of the road from San Antonio to El Paso. Nor is it a fit occasion to note the vast amount of materials collected by me, and under my orders, in geology, botany, and zoology, further than to say

we have collected sufficient to illustrate completely the physical geography of the zone of country extending along the boundary, from the initial point, on the Pacific; to near the mouth of the Rio del Norte, on the Gulf of Mexico.

I am, very respectfully, your obedient servant,

W. H. EMORY, *Brevet Major,
Chief Astr. and Surveyor, Boundary Commission.*

JOHN R. BARTLETT, Esq.,
U. S. Commissioner.

DEPARTMENT OF THE INTERIOR,
Washington City, June 12, 1852.

SIR: Major Geo. F. Bartlett reached this city on the 10th instant, and handed to me your letter of the 21st April last, informing me of the arrest of Lt. Tillinghast, the quartermaster of the Mexican boundary commission, and another dated the 20th of the same month, enclosing a duplicate of your communication of the 18th of April, which had been sent me via Santa Fé, and which, with that dated the 12th of April, I had received on the 5th instant.

I am gratified to learn from Major Bartlett, as well as from letters previously received from you, that the operations connected with the survey of that section of the line now under your immediate charge are progressing with so much energy and success.

I address you to-day in much haste, in order that you may be advised of the views of the department with respect to such matters only as seem to require prompt action, intending, in the course of a few days, to communicate with you at length in regard to the general affairs of the commission. Mr. Bartlett, the commissioner, and Lt. Whipple, were still at San Diego, California, on the 30th of April last; but by a despatch of that date, received from the commissioner on the 5th instant, I learned that he expected to start for El Paso in the course of two or three days, and it is therefore probable that shortly after the receipt by you of this communication he will have joined you.

The new organization proposed in your communication of the 11th March last, is a matter of such detail as to render it inexpedient for the department to give it its unconditional approval. Every confidence is felt, however, in your energy, ability and discretion, and it is the wish, as it has been the constant aim of the department, to reduce the force and expenses of the commission as much as the prompt and faithful execution of the work will admit. In the absence of the commissioner, you are, therefore, authorized to make such reduction of the number of the employés, and such disposition of the force retained, as to you may seem expedient and proper; such reorganization to be subject, however, to such further changes or modifications as the commissioner and yourself may agree upon when he shall join you.

In the absence of the commissioner, you, as the surveyor and chief astronomer, will be held responsible for the proper conduct of the work, and full authority is therefore vested in you to superintend, direct, and

control all matters connected with the survey, except in such as the commissioner alone, under the treaty, can act.

I am informed by Major Bartlett that he has procured and entered into contract for the transportation of 3,000 rations, to be delivered at Presidio del Norte by the 1st of August next; and that should other provisions be needed at El Paso, or before you reach the Presidio del Norte, they can be obtained of Capt. A. W. Bowman, commissary at Fort Fillmore, as heretofore.

The deficiency bill has not yet passed both houses of Congress; and as the last appropriation has long since been entirely exhausted, it is not in the power of the department to fill your requisitions of the 9th and 11th of April last, amounting to \$45,000, nor to supply you with any portion thereof at present.

Until the arrival of the commissioner, you are authorized to draw upon the department, from time to time, for such sums as may be indispensably necessary to carry on the operations in your charge, and they will be paid on presentation, provided the appropriation shall have been then made, of which there is but little doubt; but as there are a number of drafts and debts remaining (the precise amount of which is not known) to be paid when the appropriation is made, you should not exercise this authority to draw upon the department except in extreme cases, where it cannot be avoided.

I have this day informed the Secretary of War that the services of Lieut. Tillinghast are no longer needed in connexion with the Mexican boundary survey, so that he may be ordered to join his regiment. You are at liberty, therefore, to assign his duties to Mr. Edward Ingraham, as suggested in your letter of the 18th of April last, unless a more advantageous arrangement can, in your opinion, be made.

I enclose herewith a separate letter, authorizing you to draw upon the department, and have directed a duplicate of the same to Presidio del Norte, according to your request.

Very respectfully, your obedient servant,

ALEX. H. H. STUART,

Secretary.

Brevet Major W. H. EMORY,

U. S. Surv. and Chief Astr. M. B. S., El Paso, Texas.

DEPARTMENT OF THE INTERIOR,

Washington, June 11, 1852.

Brevet Major Wm. H. Emory, chief astronomer and surveyor, attached to the United States commission for the survey and demarcation of the boundary line between the United States and the republic of Mexico, has authority to draw upon this department, from time to time, for such sums as he may need in the operations under his charge.

ALEX. H. H. STUART,

Secretary of the Interior.

DEPARTMENT OF THE INTERIOR,

June 22, 1852.

SIR: In answer to a resolution of the Senate of the 11th instant, which you referred to this department on the 12th, I have the honor to report that Mr. A. B. Gray, the surveyor originally appointed, pursuant to the treaty of Guadalupe Hidalgo, to run and mark the boundary line between the United States and Mexico, was requested by letter from this department, dated the 31st October last, for reasons therein stated, to affix his signature to such papers as were necessary for the final settlement of the initial point on the Rio Grande as previously determined upon by the joint commission; and that it having shortly thereafter been deemed expedient to relieve Mr. Gray, and devolve his duties upon Major Emory, the chief astronomer, similar instructions were given to him.

In obedience to the resolution of the Senate, I have the honor to transmit herewith copies of these instructions, which are the only ones given by this department touching the said initial point.

I have the honor to be, very respectfully, your obedient servant,

ALEX. H. H. STUART,

Secretary.

To the PRESIDENT.

DEPARTMENT OF THE INTERIOR,

Washington, July 20, 1852.

SIR: On the 19th of March last, the Senate of the United States adopted a resolution in the following words:

“That the Secretary of the Interior be directed to report as soon as practicable to the Senate—

“1st. Copies of all instructions given to the commissioner appointed to run and mark the boundary line between the United States and Mexico, together with all correspondence in relation to said boundary not yet submitted to the Senate.

“2d. The number and names of persons employed upon said work.

“3d. The amount of money disbursed, and the manner in which expended, by the present commissioner.

“4th. The probable amount of money necessary to finish said work.”

I thought it could not have been the intention of the Senate, or of the mover of the resolution, to require the department again to send to the Senate the instructions to the commissioner which had already been communicated and printed, and that it was very likely many papers were on file relating to the subject of the boundary which were not really intended to be called for by the resolution, the copying of which would involve much labor and useless expense, and I accordingly addressed a note to the honorable senator from California who moved the resolution, suggesting the propriety of calling at the department and designating such of the papers as it was his intention to embrace by the resolution.

That senator, adopting my suggestion, called at the department and indicated the papers which he desired. They were copied as soon as

the other pressing business before the department would permit, and I now have the honor to submit them to the Senate.

The number and names of persons employed on the work cannot possibly be stated at present. Since the reorganization of the commission in this city in the summer of 1850, changes have been continually taking place by removal, resignation, or reduction of force, with a view to economise as much as possible the funds appropriated for the work.

Despatches just received from Major Emory, the present surveyor and chief astronomer, inform me that he has still further and materially reduced that portion of the commission under his charge, but does not state whose services have been discontinued.

As to the amount of money disbursed, and the manner in which expended, by the present commissioner, a report from the Fifth Auditor of the Treasury has been called for, and will be communicated to the Senate as soon as received.

It is believed that the sum asked and appropriated to meet deficiencies for the past fiscal year, and that asked in the general estimates submitted at the commencement of the present session of Congress for the current fiscal year, being together \$200,000, will complete the entire field-work of the survey.

Very respectfully, your obedient servant,

ALEX. H. H. STUART,

Secretary.

Hon. W. R. KING,

President of the Senate.

DEPARTMENT OF THE INTERIOR,

Washington, July 24, 1852.

SIR: I have the honor to return, herewith, the letter to you from the senators and representatives in Congress from the State of Texas, respecting the boundary line between the United States and Mexico where it strikes the Rio Grande, which you referred to me on the 29th ultimo for perusal and return, in order that it might be laid before the Secretary of State.

In compliance with your request that I would report to you whether the statements contained in that letter, alleging an error in the establishment of the initial point referred to, are true, I have the honor to state as follows:

The first paragraph of the 5th article of the treaty of Guadalupe Hidalgo declares, that "the boundary line between the two republics shall commence in the Gulf of Mexico, three leagues from land, opposite the mouth of the Rio Grande, otherwise called Rio Bravo del Norte, or opposite the mouth of its deepest branch, if it should have more than one branch emptying directly into the sea; from thence up the middle of that river, 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 along the western line of New Mexico, until it inter-

sects the first branch of the river Gila; (or if it should not intersect any branch of that river, then to the point on the said line nearest to such branch, and thence in a direct line to the same;) thence down the middle of said branch and of the said river, until it empties into the Rio Colorado; thence across the Rio Colorado, following the division line between Upper and Lower California, to the Pacific ocean."

The second paragraph says, that "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 Congress of said republic, and constructed according to the best authorities; revised edition, published at New York, in 1847, by J. Disturnell;*' of which map a copy is added to this treaty."

The third paragraph prescribes the manner in which the two governments shall proceed to ascertain and establish upon the ground landmarks showing the limits of both countries, in these words: "In order to designate the boundary line with due precision upon authoritative maps, and to establish upon the ground landmarks which shall show the limits of both republics as described in the present article, the two governments shall each appoint a commissioner and a surveyor, who, before the expiration of one year from the date of the exchange of ratifications of this treaty, shall meet at the port of San Diego, and proceed to run and mark the said boundary in its whole course to the mouth of the Rio Bravo del Norte. They shall keep journals and make out plans of their operations; and the result agreed upon by them shall be deemed a part of this treaty, and shall have the same force as if it were inserted therein. The two governments will amicably agree regarding what may be necessary to these persons, and also as to their respective escorts, should such be necessary." This article of the treaty concludes as follows: "The boundary line established by this article shall be religiously respected by each of the two republics, and no change shall ever be made therein, except by the express and free consent of both nations, lawfully given by the general government of each, in conformity with its own constitution."

It will thus be seen that the initial point on the Rio Grande was required to be fixed at the place where the southern boundary of New Mexico strikes that river, and that the line should run thence westwardly along the whole southern boundary of New Mexico. The point where the southern boundary of New Mexico strikes the Rio Grande not being marked upon the earth's surface, it had to be determined by its relative position to other places. It seems to be thought that, because the treaty refers to the southern boundary of New Mexico as running "north of the town called Paso," the commissioners must necessarily be guided by that place, and ascertain the distance between El Paso and the southern boundary of New Mexico according to the scale of the map, and just so far north of El Paso establish upon the ground the initial point of boundary.

The first meeting of the joint commission at El Paso was held on the 3d day of December, 1850. The known errors in Disturnell's map appear to have given rise at once to prolonged discussions between the two commissioners, which created serious apprehensions that they would not be able to agree respecting the southern boundary of New

Mexico at all. It was known that El Paso, instead of being *above* the 32d parallel of north latitude, as represented on the map, was really in latitude about $31^{\circ} 45'$, being near thirty miles south of its supposed position; and also that it was not correctly placed as to longitude, its true position being more than 2° west of that represented by the map. The commissioners did not feel that they were confined to El Paso as a starting point, but regarded the reference in the treaty to that place as simply intended to declare that the line should not be so established as to include El Paso within the territory acquired by the United States, and they therefore preferred taking some point which was known to be correctly laid down on the map, and measure therefrom by the scale of the map the distance to the southern boundary of New Mexico. The treaty map embraced the southern portion of the United States, and the commissioners found that the 32d parallel of latitude was correctly placed on the map, by the fact that it intersected the city of Savannah, in the State of Georgia, (or very nearly so,) the true latitude of which was known. Connected with the difficulty of ascertaining and agreeing upon the true latitude of the southern boundary of New Mexico was the question raised by the Mexican commissioner as to the extent which that boundary ran west. By the map it is represented as being about three degrees in length. The Mexican commissioner proposed fixing its western extremity *by taking its longitude*. To this the American commissioner would not consent, inasmuch as *that* point, when placed in its position on a *correct* map, would give the United States but half a degree for the southern boundary of New Mexico, instead of three degrees, or "*the whole southern boundary*" according to the map. Gen. Condé was also desirous of fixing the initial point on the Rio Grande first, which, according to the map, is stated to be in latitude about $32^{\circ} 20'$. The American commissioner assented to this, provided the Mexican commissioner would, at the same time, agree to the three degrees as the extent of the southern boundary of New Mexico, and insisted that they should go together. It was accordingly agreed that the two principal astronomers should measure on the treaty map the distance above the 32d parallel of north latitude, where the Rio Grande strikes the southern boundary of New Mexico, and at the same time measure the entire length of that boundary from that point to its western termination. By this mode it was ascertained that the southern boundary of New Mexico strikes the Rio Grande at $32^{\circ} 22'$ north latitude, and it was so decided and agreed upon by the commissioners; and on the 24th of April, 1851, it was formally and publicly proclaimed by the joint commission there assembled to be the initial point of boundary between the two republics, and monuments were then erected to mark the spot.

It seems also to be supposed that the assent of the surveyor appointed by each government was necessary to the establishment of the line, and therefore that the initial point has not been so definitively and conclusively fixed as to preclude the government of the United States from now giving instructions to its commissioner on the subject. That Mr. Buchanan, who, as Secretary of State, gave the first instructions on the subject of the boundary, did not so regard it, is manifest, I think, from his instructions to commissioner Weller; and it certainly has never

been so regarded by this department; and all the instructions from the Department of State, as well as from this department, giving the views of the government respecting the boundary line, have uniformly been addressed to the commissioner, as he alone is recognised as possessed of diplomatic or judicial powers. The surveyor is regarded as simply a ministerial officer, appointed to execute the decisions of the joint commission. He can by no fair construction, in my judgment, be regarded as invested with power to overrule the judicial action of the commissioners. Before giving the instructions to Mr. Gray, I felt it to be due to the Secretary of State to make known to him my construction of the treaty upon this point, and his opinion entirely accorded with my own. This seems also to be the view taken by the Mexican government; for after the death of General Condé the offices of commissioner and surveyor were, by that government, united in one and the same person.

The agreement of the joint commission as to the initial point and southern boundary of New Mexico was made in December, 1850; and the preliminary surveys having been subsequently made, the joint commission, on the 24th of April, 1851, as before stated, assembled on the ground to erect the monuments which should mark the spot. Mr. Gray, the United States surveyor, not being present, (he not having joined the United States commissioner until the 19th of July,) and it being required by the original instructions to the commissioner to have maps, &c., executed showing the line, and the country through which it should pass, and signed by the commissioner and surveyor, it became necessary to appoint an acting surveyor, which Mr. Bartlett did, with the sanction and approval of the Mexican commissioner, in order that the survey might not be delayed in consequence of the absence of Mr. Gray.

Such being the construction put upon the treaty, and such being the facts, it was the duty of surveyor Gray, as it was the right of the department to instruct him, to authenticate by his signature the necessary maps and papers to show the line which has been agreed upon by the joint commission prior to his reaching the commissioner. These papers had, it is believed, been authenticated at the time by Lieutenant Whipple, who was then acting as surveyor, and also as chief astronomer; but as the treaty required that the surveyor, as well as the commissioner, should be appointed by the *government*, it was deemed prudent to have them authenticated by the *actual* surveyor also, in order to guard against any question being hereafter raised as to the regularity and legality of the proceedings.

It is possible that, had the joint commission taken El Paso as a guiding point, and fixed the initial point as far north of that town as the map represents it to be, more territory might have been acquired; but to this the Mexican commissioner objected; and had the United States commissioner insisted upon it, it is very probable that the Mexican commissioner would not have consented to the three degrees of longitude as the extent of the southern boundary of New Mexico, which would have resulted either in a failure to run the line at all, or in the loss of the valuable gold and copper mines, and an extent of territory much greater than that now said to be lost by fixing the initial point at $32^{\circ} 22'$, instead of about eight miles above El Paso. Other places laid down upon the map might have been taken as the guiding

point. Some of them, it is said by the commissioner, are correctly laid down—San Elizario, for instance—and some not, and others cannot be found upon the ground at all. The point indicated by the map as the southern boundary of New Mexico may possibly be among those places which are correctly given; but the joint commission, knowing that the 32d parallel of latitude was correctly laid down on the map, and that El Paso was not, deemed it as proper to take that parallel as the starting point as any other, and more in accordance with the conciliatory and equitable department enjoined upon Commissioner Weller by Mr. Secretary Buchanan.

Had the joint commission measured on the treaty map the distance from San Elizario to the point indicated as the southern boundary of New Mexico, and established the initial point at that exact distance, in the proper direction, the same result would have been reached as was obtained by measuring from the 32d parallel of latitude. With regard to the power of the government of the United States now to instruct its commissioner to recede from and repudiate the line as thus agreed upon and fixed, it is my opinion that such course is incompatible with the terms of the treaty, because it declares that the result agreed upon by the commissioners shall be deemed a part of the treaty itself, and shall not be altered without the express and free consent of both nations lawfully given by the general government of each, in conformity with its own constitution. I send herewith a letter and accompanying maps addressed to me by Mr. Bartlett on this subject, and respectfully request that they may be returned when no longer needed.

I am, sir, very respectfully, your obedient servant,

ALEX. H. H. STUART,

Secretary.

To the PRESIDENT.

DEPARTMENT OF THE INTERIOR,

Washington, July 26, 1852.

SIR: I have the honor to submit the following report in reply to the resolution of the Senate of 11th ultimo, which you referred to this department on the 12th.

The treaty of Guadalupe Hidalgo, after describing the proposed boundaries between the United States and Mexico, declared that "in order to designate the boundary line with due precision, upon authoritative maps, and to establish upon the ground landmarks which shall show the limits of both republics, as described in the present article, the two governments shall each appoint a commissioner and a surveyor, who, before the expiration of one year from the date of the exchange of ratifications of this treaty, shall meet at the port of San Diego, and proceed to run and mark the said boundary in its whole course to the mouth of the Rio Bravo del Norte. They shall keep journals and make out plans of their operations; and the result agreed upon by them shall be deemed a part of this treaty, and shall have the same force as if it were inserted therein." In reorganizing the commission in the summer of 1850, in pursuance of the provisions of the treaty, Mr. John R.

Bartlett was appointed commissioner on the part of the United States. Mr. Gray had previously been appointed the surveyor. The first meeting of the commissioners of the two governments at El Paso took place on the 3d day of December, 1850. After protracted discussions between the commissioners, they finally agreed that the true point of intersection was in latitude $32^{\circ} 22'$, and proceeded at once to mark it by a suitable monument as the initial point, from which the line should be run westward. Mr. Gray, the surveyor, not having arrived at El Paso at that time, Lieutenant Whipple was designated by Mr. Bartlett, with the consent of the Mexican commissioner, as *acting surveyor*, to co-operate with the surveyor on the part of Mexico until the arrival of Mr. Gray. During the time he was thus performing the duties of surveyor, the agreement between the commissioners was reduced to writing and signed by them respectively, and also by the Mexican surveyor, and Lieutenant Whipple as acting surveyor. Upon the arrival of Mr. Gray, it was deemed expedient by the commissioner that he should also authenticate the agreement in regard to the initial point by his signature, so as to avoid any difficulty which might by possibility be raised as to the authority of a surveyor appointed, in any other manner than that indicated by the treaty, to perform that duty. Mr. Gray, however, declined to sign the agreement, and that fact was reported to this department. A communication was then addressed to Mr. Gray, a copy of which is herewith enclosed, requesting him to "remove the only obstacle which now exists to the completion of this branch of the work, by affixing your (his) signature to the requisite papers." Doubts have been expressed whether, under the treaty, the power to fix and mark the boundary line is given to the commissioners alone, or to them in conjunction with the surveyors. Its language is supposed by some to be broad enough to bear the latter construction; but I am of the opinion that according to the true intent and meaning of the treaty, the diplomatic power is confided to the commissioners alone, and that the surveyors are mere ministerial agents to run and mark the line as agreed on by the commissioners. This opinion is founded not only upon a consideration of the appropriate functions of commissioners and surveyors, but upon the general usage in such cases, and the construction which has been uniformly given to this treaty, by both governments, from the time of its ratification until the difficulty arose in regard to the initial point on the Rio Grande. The instructions of this government (and I doubt not those from the government of Mexico also) have always been given to the commissioners alone, and not to the commissioners and surveyors conjointly. The commissioners have always held their meetings and conducted their discussions apart from the surveyors, and I am not aware that the surveyors have ever claimed any right to participate in those deliberations, and much less to exercise a supervisory power over them. It is proper also that I should add, that although I had no doubt as to the soundness of this construction of the treaty, I deemed it proper, before giving the instructions to the surveyor, to bring the subject to the attention of the Secretary of State, and that his opinion entirely accorded with my own.

In my judgment the commissioners alone had the power to decide all the points of a political or diplomatic character; and after they had

decided them, the functions of the surveyors commenced, which were, to measure and mark the lines on the surface of the earth. The authentication of the papers by their signatures was not to indicate their approbation of the principles settled by the commissioners, but to attest the genuineness of the documents, which were to be filed among the archives of the two governments. That the Mexican government so understood the treaty, is evident from the fact that since the death of General Condé, the original commissioner, the double duties of commissioner and surveyor have been devolved on Mr. Salazar. But if this view should be held to be incorrect, and that under the true construction of the treaty the commissioners and surveyors were invested with equal power in determining the political questions involved, and that the four constituted a board, authorized to decide all questions in issue in regard to the boundary, I think it will still be found that the instruction was properly given to Mr. Gray to sign the agreement. There is no principle of law better settled than that, where a public authority is given to a joint commission to act in regard to any matter referred to them, the decision of the majority is binding on the whole; and in this case three of the four having concurred in fixing the initial point as designated in the written convention, and signing the agreement to that effect, it was conclusive upon the two countries; and it was not competent for the fourth member of the commission, by withholding his signature, to invalidate the action of the board. In either aspect of the case I considered the instruction to the surveyor to sign the papers to be right and proper, and I felt no hesitation in giving it. After the recall of Mr. Gray, his duties having been devolved on Major Emory, the chief astronomer, similar instructions were given to him under date of November 4, 1851, a copy of which is herewith enclosed. These are all the instructions which have been given by the department in regard to the said initial point.

I am, sir, &c.,

ALEX. H. H. STUART, *Secretary.*

To the PRESIDENT OF THE UNITED STATES.

DEPARTMENT OF THE INTERIOR,

July 31, 1852.

SIR: Brevet Major Wm. H. Emory, the surveyor and chief astronomer of the United States and Mexican boundary survey, has drawn a requisition upon this department for supplies of provisions for his surveying parties now engaged on the Rio Grande. Those requested to be sent to the Presidio del Norte you have obtained and forwarded, in compliance with his letter of instructions to you of the 20th April last. As Major Emory was not aware of the probability of the commissioners being at El Paso some time during the coming month, I do not deem it necessary to send those required for that point at present. The three thousand rations, however, which he requests may be sent to Eagle Pass, and the five thousand required by him at Fort Brown, opposite Matamoras, will be furnished; and as you have had much experience in regard to the facilities and expense of transportation, and the cost and

nature of the supplies needed, having acted as commissary to the commission, I request that you will purchase the provisions called for and make arrangements for their delivery at the two points named, by the time the surveying parties will need them. Of this your own experience and knowledge of the situation and resources of the several parties will best enable you to judge. For this purpose you are hereby appointed a special agent of this department; your compensation to be fixed hereafter, but not to exceed that heretofore allowed you as commissary. The heavy expenses of the commission render it extremely desirable that you should make these purchases upon the most favorable terms to the government, and the strictest economy is, therefore, enjoined upon you. You will confine your purchases to such articles as have heretofore been furnished for the use of the commission, and you will report thereof to this department.

The sum of \$3,000 will be advanced to you, for which you will be held accountable.

I am, sir, &c.,

ALEX. H. H. STUART,

Secretary.

Major GEO. F. BARTLETT,

Washington, D. C.

DEPARTMENT OF THE INTERIOR,

Washington, August 17, 1852.

SIR: In the conversation which I had with you a few days ago, I explained, to some extent, the reasons which had induced me to recall Col. James D. Graham from the Mexican boundary commission. But as I find great pains have been taken to mislead the public mind on that subject, and to create the impression that he was recalled in consequence of his refusal to sanction the initial point on the Rio Grande, as agreed on by the commissioners on the part of Mexico and the United States, I deem it due to myself to detail more at large, and in a more enduring form, the true causes of his recall. I have hitherto forbore to do so, because I had no disposition to present Col. Graham in an unfavorable light. But as his friends have sought to assail me for his removal, they must be responsible for all the consequences of a full development of the facts of the case. The disclosure has not been sought by me, but forced upon me by their unjust attacks.

On the 10th of October, 1850, I deemed it my duty to recall Colonel J. McClelland, the chief astronomer attached to the boundary commission. The reasons for his recall have already been made known to the Senate, and I need not, therefore, repeat them to you. On the same day I wrote to the Secretary of War, requesting him to transfer to that service another competent officer, and I respectfully suggested the name of Major Emory, with whose reputation I was familiar, though I had no personal acquaintance with him. For reasons, doubtless, of a satisfactory character, the Secretary of War detailed Colonel James D. Graham, instead of Major Emory, to take the position. Colonel Graham, a few days afterwards, called informally at the

department, and I had a full conversation with him in regard to his duties, and requested him to embody the points upon which we had agreed; in a written communication, which might form the basis of his instructions. A few days afterwards, viz: about the 15th of October, 1850, I was called to Virginia by pressing business, and Hon. W. A. Graham, Secretary of the Navy, was appointed by the President to perform the duties of my office in my absence.

On the 17th of October, Colonel Graham having failed to report himself officially to this department, so as to place himself under its jurisdiction, Mr. Graham, Acting Secretary of the Interior, addressed a letter to Colonel Abert, chief of the topographical corps, in which, after referring to the appointment of Colonel Graham, he added, "and it being desirable that he should at once proceed to join the commission, I have the honor to request that the necessary orders to that effect may be given to Lieutenant Colonel Graham."

Colonel Graham shortly afterwards reported himself for duty, and on the 23d of October, 1850, received his instructions, which were reduced to form by Colonel Graham himself.

A letter was addressed to him of the same date, directing him to enter immediately on the discharge of his duties. He was instructed to look into the state of the surveying and astronomical apparatus, which could be seen by an examination of the reports on file in the department, and as soon as this was done to enter on his duties in the field.

At the time Colonel Graham was appointed, he informed me he thought he would be prepared to leave Washington for the boundary line about the first of November. Under this impression I hurried back from Virginia before that date, that I might, as far as possible, facilitate his movements. I found Colonel Graham still in Washington, engaged in making his preparations. I had repeated interviews with him as to the probable time of his departure, but his answers were always indefinite. In this way the months of November and December passed away. I became very impatient; and failing to get any satisfaction from Colonel Graham, I called on General Scott, and asked him to inform me what length of time was necessary to enable Colonel Graham to get ready for such an expedition. His reply was, that he ought to get ready just as well in two weeks as in two years. Being thus confirmed, by such high military authority, in my previous impressions, that there had been an unnecessary waste of time by Colonel Graham, I reported the facts to the President and Secretary of War, informing them I desired steps to be taken to compel Colonel Graham to go to his post, or that another officer should be substituted in his stead. In consequence of this conversation, early in January, 1851, the Secretary of War ordered Colonel Graham to set out on his expedition within three days from that date. In pursuance of this order Colonel Graham left the city of Washington about the 10th of January, and went to the city of New York; thence he went to Boston, West Point, and other places, and spent the months of January and February, having, in the mean time, despatched the party who were to be attached to his corps, by sea, to Indiana.

In March, 1851, Colonel Graham returned to Washington, and I again had several interviews with him, which were not altogether of a pleasant character, as my patience was exhausted by his delays.

Failing to get from him a categorical answer as to the precise day of his departure, I declined all further interviews with him, and about the 1st of April, 1851, reported him to the President, in the presence of the Cabinet, for removal from office. The Secretary of War promptly responded that he should be removed; and such was, I believe, the unanimous sentiment of the Cabinet. The Secretary of War informed me subsequently, that after the adjournment of the Cabinet, he caused an order to be prepared recalling Colonel Graham; but as the ordinary hours of business had passed, he was induced to let it lie until the next morning. It is to be presumed that Colonel Graham received some intimation of the purpose of the Secretary of War, for when he was about to issue the order of recall the next morning, he was informed that Colonel Graham had departed on his journey early that morning.

The Secretary of War and I conferred as to the propriety of recalling him by a despatch to New Orleans; but finally concluded, that as he had received so significant a warning, he would probably profit by it, and proceed with more promptitude in future. We therefore determined to overlook what had passed.

On the 24th of June, 1851, Colonel Graham arrived at El Paso. At that time Commissioner Bartlett had established his headquarters near the Copper Mines, about 175 miles west of El Paso. Instead of obeying his instructions, which were to report himself to the commissioner, Colonel Graham thought proper to establish himself at Frontera, a small village or ranche about eight miles distant from El Paso, and to order Lieutenant Whipple to leave the line of his operations to report himself to him (Colonel Graham.) He also informed the commissioner, that having understood that he (the commissioner) was expected at El Paso in a few days, he would await his arrival there. The commissioner states that he had no thought of visiting El Paso, and the effect of the order to Lieutenant Whipple was to suspend all the operations of the commission, to the great annoyance of Mr. Bartlett, and of General Condé the Mexican commissioner, who made it the subject of complaint to his government. After remaining about a month at Frontera, and after he had been advised by Commissioner Bartlett, under date of 1st July, that the idle rumor on which he had professed to act, viz: that Commissioner Bartlett was expected at Frontera, was unfounded, Colonel Graham finally, on the 2d of August, 1851, reported himself to the commissioner at the Copper Mines, it being nearly *ten months* from the date of his appointment, and 39 days after his arrival at El Paso. Immediately on his arrival, instead of entering promptly and efficiently on the discharge of his duties, he commenced a correspondence with the commissioner in regard to the nature and prerogatives, and title of his office, and various points of etiquette, all of which may be seen by reference to the correspondence which has already been sent in to the Senate. It is unnecessary to state in detail the character and extent of Colonel Graham's pretensions. But to give some idea of them I will state that, from Mr. Bartlett's despatch of 9th August, it appears that "he claimed to be the

head of all surveying as well as astronomical parties; to have the power to direct the movements of Mr. Gray, the United States surveyor under the 5th article of the treaty, whenever he should go into the field as a surveyor, and that in such cases Mr. Gray must receive all instructions from and make all reports to him. Colonel Graham thus assumed to himself a position above that of an officer recognised by the treaty, who is bound to carry out the stipulations of the treaty according to his own views and deliberate judgment, and not merely, in reference to them, to echo the opinions or follow out the instructions, or yield to the dictation, of an officer not even named in, much less at all empowered by, the treaty." Colonel Graham, it appears from the same despatch, also "asserted a right to sit at the meetings of the joint commission, though he claimed no right to vote." The commissioner in the same despatch says, "I regret to say that there is an evident attempt on the part of Colonel Graham (one too plain not to be noticed by myself and others) to assume authority in and over almost everything, and to require most individuals to be subject to his power and control. He also claims a controlling power over me, or at least a co-equal power with myself to admit individuals into and remove them from the commission."

These extraordinary pretensions of Colonel Graham were mainly founded on the title which he had given to himself in the draught of the instructions prepared by himself, viz: "principal astronomer and head of the scientific corps," which he had substituted in lieu of the title which had been used in reference to Major Emory and Colonel McClellan, which was, "chief astronomer and topographical engineer of the boundary commission." I am persuaded that Mr. Graham, Acting Secretary of the Interior, if, when he signed the instructions, he adverted to the change in the title at all, did not understand it as importing any enlargement of powers. I certainly did not.

The pretensions of Colonel Graham were not, of course, recognised by Mr. Bartlett, the commissioner; and the controversy continued until the 16th of August, when each party despatched an express messenger to Washington to lay their views of the matter before the department. Upon reading the correspondence, and seeing the difficulties by which the commissioner was embarrassed, and having reference to the antecedent delinquencies of Colonel Graham, I promptly laid the matter before the President, and, with his sanction, caused Colonel Graham to be recalled. His withdrawal was in no wise connected with his opinion in regard to the initial point. That was a subject with which he had no concern, and his opinions in reference to it would consequently be of no importance. He was recalled for a failure to do his duty in reference to the subject of his appointment; and with this statement of the facts of the case, I am willing to abide the judgment of the Senate and the country as to the propriety of my conduct. Colonel Graham was recalled on the 11th of September, 1851. In my letter to Colonel Abert of that date, after referring to Colonel Graham's order to Lieutenant Whipple to report to him at Frontera, I say: "This caused a suspension of the work, and resulted in a serious complaint by General Condé, the Mexican commissioner, as you will perceive from the enclosed copy of the correspondence between the two

commissioners on the subject. Before Colonel Graham left here, I was much annoyed and became dissatisfied with his long unnecessary delay in joining the commission in the field; and since then, accounts of other delays and interruptions have reached me, officially and otherwise, which I felt called upon to communicate to the President; and having conferred with him on the subject, and having submitted to him Commissioner Bartlett's despatches, I am of the opinion that the speedy prosecution of the work of the joint commission demands that Colonel Graham be relieved, and some suitable officer of topographical engineers detailed to supply his place."

The accompanying letter from Mr. Radzimirski will afford you a clear idea of the state of things in the commission at the date of Colonel Graham's recall. It is true that this letter had not been received at that time, but most of the facts therein stated had been made known to me from other sources. As another evidence of the unfitness of Colonel Graham for the position, I invite your attention to his challenge of Dr. Webb, the secretary of the commission, to mortal combat.

As it has also been charged that Mr. Gray was removed from the office of surveyor in consequence of his difference with the commissioner in regard to the proper position of the initial point on the Rio Grande, and his refusal to comply with my request that he should sign the agreement entered into between the commissioners, I think it proper to say that such was not the fact. I did not at the time regard the signature of Mr. Gray as essential, under all the circumstances of the case; nor, if I had so regarded it, would I have considered his declining to sign it a sufficient ground of removal. As for my request to Mr. Gray, it bears date 31st October, 1851, and he was recalled on the 4th of November, 1851, just five days thereafter, and, of course, before he could be apprized of my request.

The office of astronomer was abolished, and its duties devolved on Major Emory, who was appointed by the President surveyor. This was done for the purpose of reducing the number of the officers, and promoting economy and harmony in the prosecution of the work. Experience had demonstrated that the unnecessary multiplication of officers was followed by discord and dissatisfaction; and Congress had appropriated but \$100,000, instead of \$180,000, which had been asked for by the department to defray the expenses of the work. By devolving the duties of the two offices of surveyor and astronomer in one person competent to discharge the duties of both, a saving of not less than \$4,500 or \$5,000 per annum was effected; and in my despatch to Mr. Bartlett of the 4th November, instructions were given to him to make all practicable reductions in his corps. Major Emory received similar instructions, and both gentlemen have faithfully obeyed them.

Major Emory was appointed astronomer on the 13th of September, 1851, but he had been advised a day or two before of the probability of his appointment. In three days thereafter he was on his route to El Paso, and on the 25th November arrived at that place. It thus appears that in two months and thirteen days from the date of his appointment he was at his post on the Rio Grande.

Complaint has also been made that I have misconceived the meaning of the 5th article of the treaty with Mexico in regard to the rela-

tive powers of the commissioner and surveyor. If I have erred in supposing that the diplomatic powers were confided exclusively to the commissioners, instead of jointly to the commissioners and surveyors, I have the consolation of knowing that the error did not originate with me. Mr. Buchanan, late Secretary of State, the diplomatist under whose instructions and supervision the treaty was negotiated and ratified, gave it the same construction, and Mr. Clayton and Mr. Ewing interpreted it in the same way. For proof of the accuracy of this statement I refer to Senate Ex. Doc. No. 34, pages 2 to 6. By reference to that document you will perceive that all the instructions of Mr. Buchanan were directed to "John B. Weller, esq., commissioner for running the boundary line between the United States and the republic of Mexico," &c. In those instructions he says: "As you will be held responsible for the able and faithful execution of the important trust confided to you by this article of the treaty, the President deems it proper to leave to you the organization of the commission." Again he says: "In organizing the commission you are referred, for any information which you may deem necessary, to Andrew B. Gray, esq., who has been appointed surveyor."

Under date of February 13, 1849, he sends Mr. Weller further instructions, in which, after referring to the 5th article of the treaty, he says, "this article places you in a highly responsible position," &c. Throughout the instructions he is addressed as the responsible person in regard to the fixing of the line. The surveyor is nowhere referred to or addressed as having equal powers, or as being an associate member of the commission. But Mr. Weller is instructed as follows: "As soon as the boundary line shall have been ascertained and marked, you will cause a true and accurate map to be made of the country through which it passes, in its entire extent. A duplicate copy of said map, certified by the commissioners and surveyors on both sides, will accompany the records of the proceedings of the commission. The joint report or declaration by the commissioners of the final result agreed on by them, under the 5th article of the treaty, will also be transmitted to the department." Here you will note the distinction made by the Secretary. The maps are to be certified by the commissioners and surveyors, because the surveyors are responsible for the faithful execution of the survey; but the declaration of the final result agreed on by the commissioners is to be certified to the department by the commissioners. In this certificate the surveyors are not required to participate, because they are not presumed to be responsible for it. Indeed, the instructions throughout preclude the idea of the surveyors being recognised as possessing diplomatic powers, or being associate members of a joint commission. The instructions from Mr. Clayton and Mr. Ewing proceed upon the same understanding of the treaty.

I have taken the liberty of addressing you this long letter to put you in possession of all the facts, and you are at liberty to use them according to your own discretion.

I have the honor to be, very respectfully, your obedient servant,

ALEX. H. H. STUART,

Secretary.

Hon. JAMES A. PEARCE, *United States Senate.*

DEPARTMENT OF THE INTERIOR,
Washington, September 3, 1852.

SIR: The President of the United States, by and with the advice and consent of the Senate, having appointed you to be surveyor for running the boundary line between the United States and the republic of Mexico, under the treaty of Guadalupe Hidalgo, I herewith transmit your commission, dated the 30th August, the receipt of which you are requested to acknowledge.

I am, sir, very respectfully, your obedient servant,

J. J. CRITTENDEN,

Acting Secretary.

Brevet Major Wm. H. EMORY,

El Paso, via San Antonio, Texas.

DEPARTMENT OF THE INTERIOR,
Washington, October 7, 1852.

SIR: Your letter of yesterday, in which you state that "the stores and supplies purchased by you for the Mexican boundary commission are now going on board the schooner Cinderella," has been received. To the appropriation for defraying the expenses of the Mexican boundary commission for the present fiscal year, there is appended a proviso in the following words: "*Provided*, That no part of this appropriation shall be used or expended until it shall be made satisfactorily to appear to the President of the United States that the southern boundary of New Mexico is not established, by the commissioner and surveyor of the United States, further north of the town called Paso than the same is laid down in Disturnell's map, which is added to the treaty." Entertaining the apprehension that this proviso may be found to render the appropriation unavailable, I have to direct—as I have this day advised you by telegraph—that, if it is not too late, the shipment of the stores be countermanded, and that you incur no further expenses on account of the Mexican boundary commission until you are authorized to do so by this department, as, in the event of my apprehension being confirmed, there will be no money in the treasury for their payment.

I am, sir, very respectfully, your obedient servant,

ALEX. H. H. STUART,

Secretary.

G. F. BARTLETT, Esq.,

Atwater, Mulford county, New York.

DEPARTMENT OF THE INTERIOR,
Washington, October 11, 1852.

SIR: The act making appropriations for the civil and diplomatic service of the United States for the year ending 30th of June, 1853, contains a clause in the following words:

"For running and marking the boundary line between the United States and Mexico, under the treaty of Guadalupe Hidalgo, one hun-

dred and twenty thousand dollars: *Provided*, That no part of this appropriation shall be used or expended until it shall be made satisfactorily to appear to the President of the United States that the southern boundary of New Mexico is not established, by the commissioner and surveyor of the United States, further north of the town called Paso than the same is laid down in Disturnell's map, which is added to the treaty."

The proviso to the above section imposes upon you the duty of examining the action of the boundary commission, and of determining whether the boundary line between the United States and Mexico has been established "further north of the town of El Paso than the same is laid down in Disturnell's map," before any portion of the appropriation can be expended in the further prosecution of the work.

To enable you to fulfil this duty, I respectfully submit the following report of the facts of the case, accompanied by a copy of Disturnell's map, and other documents bearing on the question:

The treaty of Guadalupe Hidalgo provides that "the boundary line between the two republics shall commence in the Gulf of Mexico, three leagues from land, opposite the mouth of the Rio Grande—otherwise called the Rio del Norte—or opposite the mouth of its deepest branch, if it should have more than one branch emptying directly into the sea; from thence up the middle of that river, 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 along the western line of New Mexico, until it intersects the first branch of the river Gila—(or, if it should not intersect any branch of that river, then to the point on said line nearest to said branch, and thence in a direct line to the same;) thence down the middle of the said branch, and of said river, until it empties into the Rio Colorado; thence across the Rio Colorado, following the division line between Upper and Lower California, to the Pacific ocean."

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

The joint commission, organized under the provisions of this treaty, has proceeded to run and mark the line from the initial point, on the Pacific coast, across the peninsula of California, to the junction of the Colorado and Gila rivers. The department has been informed that a survey has also been made of so much of the Gila river as was supposed to form a part of the boundary between the two countries, as described in the treaty. Major Emory is now actively engaged in the survey of the Rio del Norte, and has, it is presumed, completed it more than half way from the point agreed on as the eastern terminus of the southern boundary of New Mexico to the mouth of that river.

In regard to these portions of the boundary there has been no serious difficulty, as the line is not only defined with precision by the treaty,

but is marked by natural objects on the face of the earth. It was different, however, with regard to the two sections which constitute the southern and western lines of New Mexico. Those are neither defined with certainty by the treaty, nor are they marked by natural objects. They are mere imaginary lines, which had never, so far as this department is advised, been surveyed and marked on the earth's surface prior to the negotiation of the treaty. Much controversy, therefore, arose in relation "to the point where it (the Rio Grande) strikes the southern boundary of New Mexico," which is declared to be the beginning of the westward line. There is no reference in the treaty to any natural object, or to any parallel of latitude, to indicate this point, and the only terms used in it tending to show the proper locality of the southern line of New Mexico, are those which declare that it "runs north of the town called Paso," and that "the southern and western limits of New Mexico, mentioned in this article, are those laid down in the map" of Disturnell. The commissioners, therefore, felt themselves much embarrassed in ascertaining the point on the Rio Grande whence they should run the line westwardly. By reference to the map of Disturnell, it will be found, by the most accurate measurement that I have been able to make, that the southern line of New Mexico, as laid down thereon, is about latitude N. $32^{\circ} 22\frac{1}{2}'$. The town of El Paso, or "Paso," is ascertained, by similar measurement, to be laid down on the map at latitude N. $32^{\circ} 15\frac{1}{2}'$, longitude $27^{\circ} 35'$ west of Washington. This would represent the line on the map as near seven minutes (or about seven geographical miles) north of El Paso, or at about $32^{\circ} 22'$, as agreed upon by the joint commission. By actual observation, however, it was ascertained that El Paso is erroneously placed on the map, both in respect to latitude and longitude, its true position being in latitude N. $31^{\circ} 45'$, or a fraction more than half a degree south of its supposed position; and in longitude $29^{\circ} 40'$, instead of $27^{\circ} 35'$, or two degrees and five minutes west of its position as marked by Disturnell.

If the treaty had designated El Paso, or a point at any given distance north of El Paso, as the beginning point of the southern line of New Mexico, there would have been no difficulty in ascertaining it. But as it merely states in general terms that "it runs north of the town called Paso," that requisition will be satisfied by running it at any distance, however great or small, north of that town. By reference to the reports of the United States commissioner, and the correspondence between him and the Mexican commissioner, you will perceive the grounds assumed by each, and the arguments used to sustain their respective pretensions.

The result of the discussions was, an agreement between the commissioners on the part of the two governments that "the Rio Grande strikes the southern boundary of New Mexico at $32^{\circ} 22'$ north latitude, and from this point the same southern boundary of New Mexico extends three degrees west," and a written agreement to that effect was signed and publicly proclaimed on the 24th day of April, 1851, by the two commissioners, and by the surveyor on the part of Mexico, and Lieut. A. W. Whipple, acting surveyor on the part of the United States, who acted by consent of both commissioners in the absence of Mr. A. B. Gray, the regularly commissioned surveyor, who had not been able to

reach the theatre of operations in consequence of ill health. When Mr. Gray did arrive, however, he objected to the line as agreed on by the commissioners, on the ground that it was established too far north, and declined giving it his sanction by signing the convention which had previously been executed by the Mexican commissioner and surveyor on the part of their government, and the American commissioner and Lieut. Whipple, acting surveyor, on the part of the United States. Upon a representation of these facts to this department by the commissioner, and after consultation with the Secretary of State, I requested Mr. Gray to sign the agreement—not that I conceived his signature under the circumstances essential to the validity of the compact under the terms of the treaty, and the interpretation which had been given to it and to other treaties containing similar provisions, by the Department of State, under former administrations, but because I thought it most prudent to preclude all future controversy by a rigid compliance with the letter as well as with the spirit of the treaty. The offices of surveyor and astronomer were, however, consolidated; with a view to greater economy and efficiency in the operations of the commission, within a few days after Mr. Gray was requested to sign the agreement, and the services of Mr. Gray were dispensed with and his duties devolved on Major Emory, who has since continued to act both as astronomer and surveyor. Mr. Gray, therefore, had no opportunity of attaching his name to the agreement after he had been requested to do so, and, as at present advised, I believe that Major Emory has not signed it.

If the signature of Lieut. Whipple, as acting surveyor, therefore, does not satisfy the demands of the treaty, and the signature of a surveyor duly appointed by the government is essential to the agreement, then no portion of the southern line of New Mexico has yet been “*established*,” or finally ascertained and *fixed*, by the commissioner and surveyor on the part of the United States. This is the first question which you are called on to decide; for if no part of the southern line has been established, then the proviso in the appropriation bill would be inoperative, and the money might be used for completing the survey of the Rio del Norte, or any other part of the line. But in no event would I consider it respectful to Congress to apply any part of it for the purpose of establishing the line in accordance with the terms of the agreement between the commissioners, until further legislation shall be had on the subject.

The main question, however, submitted by Congress for your decision, is not whether any line has been established or not, but whether, assuming it to have been established, it has been established “*further north of the town called Paso than the same is laid down in Disturnell’s map.*”

Congress has not thought proper to refer to you the decision of the question whether the line has been correctly established, or whether the agreement between the commissioners is in conformity with the terms of the treaty, but the simple, narrow, isolated inquiry, whether the southern line of New Mexico has been “*established further north of the town called Paso than the same is laid down in Disturnell’s map.*”

The answer to this inquiry will depend on the interpretation which

it is proper to give to the latter clause of the proviso. Does it refer to the *supposed* or the *actual* position of "the town called Paso"—to its position on the map of Disturnell, or to its position on the earth's surface, as ascertained by astronomical observations? If you assume the map as your guide in regard to the position of El Paso, then the line as established by the commissioners and surveyors, at $32^{\circ} 22'$, is not further north of the position of Paso, as indicated on the map, than the same is laid down in Disturnell's map. It is in fact thirty seconds further south, or nearer to the supposed position of El Paso, than the map would indicate it to be. The line, too, as established, conforms with almost perfect accuracy with the line as laid down on the treaty map. The map indicates it to be at $32^{\circ} 22\frac{1}{2}'$ north latitude, and the commissioners have established it at $32^{\circ} 22'$. But if Congress meant (as I think they did) to declare that no part of the money should be drawn from the treasury and used until you shall be satisfied that the line has not been established further north of the *true position* of El Paso, as ascertained by astronomical observations, than the same is laid down on Disturnell's map, then it is obvious that the appropriation cannot be used.

As before stated, the line, as established by the joint commission, is but about seven geographical miles north of the position of Paso, as marked on the map. But when Paso is transferred from $32^{\circ} 15\frac{1}{2}'$, its place on the map, to its true position, which is $31^{\circ} 45'$ north latitude, or more than $30'$ south of its supposed position, then the distance between the line and El Paso is increased to more than thirty-seven geographical miles.

Understanding the action of Congress as prohibiting the use of any portion of the appropriation in case you are satisfied that the distance from the town of El Paso, as it stands on the earth, to the line as established, is greater than the apparent distance from El Paso, as marked on the map, to the southern line of New Mexico, as indicated by the same, I feel constrained to express the opinion that the appropriation cannot be used, and, consequently, that the operations on the line must for the present be suspended.

It is much to be regretted that Congress did not think proper to require that you should be satisfied that the line had been properly established according to the treaty. That would have brought the merits of the case fairly before you, and led to a full investigation of the acts of the commissioner. Instead of doing so, however, they have submitted a single inquiry, entirely aside from the question whether the line has been correctly established or not. That matter must remain open, so far as Congress has power to keep it open, until further legislative action can be obtained; and the consequence will be, increased expense and protracted delay in the adjustment of a subject which both nations agreed to have settled with all practicable despatch.

Whatever differences of opinion may have existed in regard to the proper position of the southern and western lines of New Mexico, which are made by the treaty parts of the boundary between the United States and the republic of Mexico, there certainly could have been no doubt that the Rio Grande, otherwise called the Rio del Norte, from some point north of El Paso to its mouth, is made by the treaty a part of

the dividing line between the two countries. No good reason is, therefore, perceived why Congress should have desired to arrest the survey of that river, in regard to which no controversy can possibly arise. Every legitimate purpose of those opposed to the part of the line in dispute would have been accomplished, by limiting the prohibition of the use of the money to the survey of those parts about which a diversity of sentiment existed, leaving the commissioners at liberty to proceed with the survey of the remainder of the line.

But as it was competent for Congress to grant or withhold the appropriation altogether, or to attach to it such conditions as they deemed proper, it is the duty of the President to conform to its action, notwithstanding any doubts he may entertain as to its wisdom or propriety. In this case the prohibition is in the broadest and most comprehensive terms. It provides "*that no part of this appropriation shall be used or expended,*" except upon the condition to which I have already referred; and although I am satisfied that the practical operation of the proviso to the appropriation was not fully considered or foreseen, I do not see how, by a fair construction of the law, any part of the money can be drawn from the treasury, and I am therefore compelled, respectfully, to submit to you the propriety of at once suspending the operations of the commission, as there are no means at your disposal to maintain it in the field.

Other consequences must inevitably ensue from the restrictions imposed upon the expenditure of the appropriation, which are much to be regretted. More than three months have already elapsed since the close of the last fiscal year, during all which time the officers and employés of the commission have been diligently engaged in the discharge of their duties, in the full confidence that Congress would make the necessary appropriations to defray their expenses and compensate them for their services. This just expectation must now be disappointed. No part of the appropriation for the current fiscal year can be applied to their payment. The drafts of the commissioner and surveyor upon the department must be dishonored; the just demands of all connected with the commission must remain unsatisfied, and they must be discharged from the public service in the midst of a wilderness, many of them more than two thousand miles from their homes, and without the means of returning to their families and friends. If I could perceive any means of averting these evils; I would gladly bring them to your notice. But I have not been able to discover how you can, consistently with the terms of the proviso to the appropriation, afford any relief. The responsibility incident to the adoption of the restriction on the appropriation rests with Congress, and it will devolve on that body to remedy any inconveniences which may be found to result from it.

There is another view of this subject which, in conclusion, I deem it proper to present to you. It is this: the prohibition contained in the proviso proceeds upon the idea that the line has been *established*. If it had *not* been established, there would have been a seeming consistency in Congress in withholding means to establish a line which it did not approve; but if, as is assumed by the proviso, it has *been* established by the duly authorized agents of the two governments, it is difficult to

perceive the justice or propriety of a refusal on the part of Congress to furnish the means to pay the employés of the United States commission for the arduous and laborious services which they, in good faith, have rendered in obedience to the orders of their superiors.

I have the honor to be, with great respect, your obedient servant,

ALEX. H. H. STUART,

Secretary.

To the PRESIDENT.

DEPARTMENT OF THE INTERIOR,
Washington, October 15, 1852.

SIR: In the deficiency bill of the last session, which was approved 21st July, Congress appropriated for the Mexican boundary survey the sum of \$80,000. This was immediately absorbed by the drafts and liabilities which were then outstanding, and the additional sum of 25,000 for like demands was obtained by the act approved 31st August, which has also been nearly exhausted, and other debts still remain unpaid. In this latter act the sum of \$120,000 was appropriated for the present fiscal year, with a proviso that it should not be used "until it shall be made satisfactorily to appear to the President of the United States that the southern boundary of New Mexico is not established, by the commissioner and surveyor of the United States, further north of the town called 'Paso' than the same is laid down in Disturnell's map, which is added to the treaty." Enclosed I send you a printed copy of my report to the President in regard to this proviso, and of his endorsement thereon. You will perceive that the President and myself have been forced to the conclusion that, in view of this restriction, the money cannot be legally drawn from the treasury. It will not be proper, therefore, for you to make any further drafts upon the department. The two drafts dated at El Paso for \$10,000 each, one in favor of Magoffin and the other in favor of Chubb Brothers, and also several drawn by Major Emory, remain unpaid for want of funds. No exception has been, or could possibly be, taken to the river portion of the boundary, and it is much to be regretted that the department has not authority to use the appropriation for *that* portion of the survey. Major Emory and yourself having raised money by drafts upon the department, and as provisions have been sent out—viz: 3,000 rations to Presidio del Norte, which reached that place about the 1st of August; 3,000 to Eagle Pass; and 5,000 to Fort Brown, opposite Matamoras, which are now on the route—you may, possibly, already have the means of maintaining your respective parties long enough to complete the survey of the river, or until you shall have been advised of further action by Congress on the subject. The withdrawal of the commission from the field is not imperatively called for by the action of Congress, except in so far as the withholding of funds may render it necessary. It would be very desirable to avoid it, if possible, as Congress will again be in session in the course of about six weeks, and probably as soon as you will receive this communication. Such a movement would also be attended with much delay in the completion of the survey, and

greatly increased expense to the United States and to the government of Mexico, besides embarrassment and hardship to the employés of the commission, whose sole dependence is upon their individual labors. It would likewise be a cause of further dissatisfaction on the part of the Mexican government. It will not be proper for you, in any event, to continue operations on the disputed portion of the boundary, (the southern and western limits of New Mexico,) nor to make further drafts upon the department; and if you have not the means already acquired in the manner indicated for completing the survey of the Rio Grande, you will of course cease operations altogether and return to the United States with your surveying parties. But not knowing precisely your situation in these respects, your return or continuance in the field must, with these views of the department before you, be left to your own sound discretion. Major Emory, by letter of this date, has been thus advised, and my communication to him will be transmitted to him by the hands of your brother, Geo. F. Bartlett, who it is expected will communicate with him about the middle of November; but as he will then be informed of the expectation expressed in your letter to me of the 18th of August, of joining him at an early day, he will probably defer any important movement and await your arrival.

In the event of your being obliged to retire from the field, you will make the best possible disposition of the government property in the service of the commission. It has occurred to me that the mathematical and astronomical instruments might be safely boxed up and placed in the charge of the officers of the War Department at the most convenient posts. You may likewise find it judicious and economical to store away other property of the commission for future use on the survey; but in all these matters you will be governed by considerations of economy to the United States, and convenience and expedition in the future resumption of the work.

I am, sir, very respectfully, your obedient servant,

ALEX. H. H. STUART,

Secretary.

JOHN R. BARTLETT, Esq.,

U. S. Commissioner, Mexican Boundary Survey.

DEPARTMENT OF THE INTERIOR,

Washington, October 16, 1852.

SIR: Mr. George F. Bartlett leaves the city this afternoon with important despatches for Major Wm. H. Emory, who is now engaged on the survey of the Rio Grande, in the vicinity of Eagle Pass, and for Mr. John R. Bartlett, the United States and Mexican boundary commissioner, whom he expects to meet, probably at Leona, in Texas. It may, and probably will, become necessary for him to be furnished with a small escort—say half a dozen dragoons—for a short time; and I shall be glad if you will, if possible, furnish the department, in the course of the day, with an order to the commanding officer at San

Antonio, to provide such an escort for Mr. Bartlett, should it be required by him.

I am, sir, very respectfully, your obedient servant,
ALEX. H. H. STUART,
Secretary.

HON. C. M. CONRAD,
Secretary of War.

DEPARTMENT OF THE INTERIOR,
Washington, October 16, 1852.

SIR: Herewith I hand you letters for John R. Bartlett and Wm. H. Emory, the commissioner and surveyor on the Mexican boundary survey, which I request that you will deliver to those officers without delay. By the latest accounts, official and otherwise, Mr. Bartlett was at El Paso, (August 18,) expecting to leave there in about one month to join Major Emory, who about the 26th of September was at Fort Duncan. You will be furnished with \$800 to defray your necessary expenses, for which you will minutely account to the treasury of the United States. Enclosed is a copy of an order sent, at my request, by the Secretary of War to Brevet Major General Smith, at San Antonio, Texas, to furnish you an escort of six or eight dragoons to El Paso. It is not supposed that any necessity will require you to go to El Paso, as you will, in all probability, find Mr. Bartlett with Major Emory, or near his position. It is too late an hour (half-past two o'clock) to procure an alteration of the order; but it is presumed it will be regarded as sufficient to authorize the escort to accompany you to Major Emory's camp, near Fort Duncan, or wherever he may be.

I am, sir, very respectfully, your obedient servant,
ALEX. H. H. STUART,
Secretary.

GEO. F. BARTLETT, Esq.,
Present.

DEPARTMENT OF THE INTERIOR,
Washington, October 16, 1852.

SIR: I enclose herewith a copy of a report made to the President from this department; dated the 11th instant, in relation to the work on the boundary survey, upon which is endorsed the President's approval of the course therein recommended to be adopted.

I also enclose a copy of a letter this day addressed to the commissioner, containing certain instructions respecting the survey, which are likewise intended for your guidance, and request that you will be governed, yourself, in accordance therewith.

I am, sir, very respectfully, your obedient servant,
ALEX. H. H. STUART,
Secretary.

Brevet Major WM. H. EMORY,
U. S. Surveyor, &c., Mexican Boundary Survey.

DEPARTMENT OF THE INTERIOR,
Washington, October 19, 1852.

SIR: In reply to your letter of the 18th instant, I have the honor to state that, while the President and myself were forced to the conclusion that the \$20,000 appropriated by the act of 31st of August last for the Mexican boundary survey could not be legally drawn from the treasury, because of the proviso attached thereto, we did not feel that it would be expedient to direct an absolute and unconditional recall of the commissioner from the field. The department was aware that Mr. Bartlett, since his arrival at El Paso, on the 17th of August last, had raised funds to the amount of \$20,000 at least, by drafts upon the department; and that Major Emory, under authority given him some months since, was obtaining funds in the same manner, from time to time, as his necessities required. Besides, I had, upon his recommendations, caused provisions to be sent, for the use of his parties, to Presidio del Norte, Eagle Pass, and Fort Brown, on the Rio Grande. On the 26th of September last, he was, as I have been unofficially informed, at Fort Duncan, near Eagle Pass, having completed the survey of about two-thirds of the Rio Grande. With this knowledge of the resources of the commission, and not doubting but that it possessed others of which the department has not yet been advised, it was deemed most proper to leave the question as to the necessity or propriety of withdrawing from the field, to the sound discretion of the commissioner and surveyor. This course seemed still more proper in view of the early assembling of Congress, when an effort will be made to obtain such early action by that body as will enable the department to meet the just expectations of the country and the government of Mexico, by continuing, uninterruptedly, the operations of the commission, until the entire survey shall have been completed.

I am, sir, very respectfully, your obedient servant,

ALEX. H. H. STUART,

Secretary.

Hon. JOS. R. CHANDLER,
Philadelphia, Pa.

DEPARTMENT OF THE INTERIOR,
Washington, January 18, 1853.

SIR: On the 20th ultimo the Senate adopted a resolution directing the Secretary of the Interior "to report to the Senate the amount of the several appropriations made by Congress for prosecuting the survey of the boundary between Mexico and the United States, since the organization of the boundary commission; and, also, to report how much of such appropriations were expended by Mr. Commissioner Weller, and previous to the appointment of Mr. Commissioner Bartlett; how much was drawn for, and expended by, Colonel J. D. Graham, at one time chief astronomer of the commission; and how much has been expended by Mr. Bartlett; also, whether any portion of said appropriation has

been expended by others than the commissioners and the astronomer hereinbefore named; and if so, how much." And, in obedience thereto, I have the honor to report, as follows:

Excluding the appropriation of \$120,000, made by the act of the 31st August last, which was not available at the time the resolution was adopted by the Senate, nor until the passage of the act approved on the 23d ultimo, the appropriations have been as follows:

By the act of 12th August, 1848.....	\$50,000 00
By the act of 15th May, 1850.....	50,000 00
By the act of 30th September, 1850.....	135,000 00
By the act of 3d March, 1851.....	100,000 00
By the act of 21st July, 1852.....	80,000 00
By the act of 31st August, 1852.....	25,000 00

Making	440,000 00
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In addition thereto the following transfers have been made, under the authority conferred by the 23d section of the act approved 26th August, 1842, viz:

From the appropriation of 30th September, 1850, "for collecting statistics of Indian tribes," &c.....	10,000 00
An unexpended balance of the reappropriation of 30th September, 1850, "for arrearages of annuities due Cherokees," per act 12th June, 1838.....	19,053 84
And the unexpended balance of the appropriation of 3d March, 1843, "for removing 250 New York Indians west of the Mississippi river".....	11,013 42

Making the whole amount available for this service..	<u>480,067 26</u>
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The amount expended for work done and commenced by Mr. Commissioner Weller, on the Pacific end of the line—as appears by the accompanying statement, furnished by the Fifth Auditor of the Treasury, and marked "C"—is.....	\$121,783 57
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The amount for which Lt. Col. J. D. Graham drew upon the department, whilst astronomer to the commission, but which was not advanced to him, was \$30,000; and the amount expended by him, as far as ascertained, is.....	16,732 89
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The amount charged to Mr. Commissioner Bartlett, on the books of the treasury, is.....	261,260 82
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The payments to, and expenditures by, all other persons, amount to.....	79,397 65
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Making the total amount expended, up to the date of the resolution of the Senate, and charged upon the books of the treasury.....	<u>479,174 93</u>
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I also transmit herewith a detailed statement, marked "B," showing, in chronological order, the several payments made from the treasury, and to whom made.

I am, sir, with much respect, your obedient servant,
ALEX. H. H. STUART, *Secretary.*

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

DEPARTMENT OF THE INTERIOR,
Washington, January —, 1853.

SIR: I have the honor to acknowledge the receipt of a resolution, adopted by the Senate on the 5th inst., and which was transmitted by you to the department on the following day. This resolution is in the following words: "That the President of the United States be requested to inform the Senate whether the boundary line between the United States and Mexico has been fully run out and established; and if not, whether the commission has expired for the want of a commissioner and surveyor on the part of this government."

The inquiries propounded in the first branch of the resolution have been answered, so far as any information in the possession of the department will enable me to answer them, in my two last annual reports to you; and I must respectfully refer you to those reports as containing a full account of what has been done in regard to running and marking the boundary line between the United States and Mexico. It will be seen by an inspection of those documents that the line has been surveyed from the beginning point, on the Pacific coast, to the junction of the Gila and Colorado rivers, and thence up the Gila to its supposed intersection with the western line of New Mexico. It has also been surveyed from the initial point established by the commissioners on the Rio Grande, down the course of that stream to a point near Loreda, or about two-thirds of the way from El Paso to the mouth of the river. Some progress was also made in the survey of what was supposed to be the southern line of New Mexico, commencing at the intersection of that line and the Rio Grande and extending westward to the neighborhood of the Copper Mines, a distance of about one hundred and fifty miles. Operations on that part of the line were suspended nearly six months ago, in consequence of the proviso to the appropriation bill for 1852; and as orders have been issued by the department not to resume them until the wishes of Congress shall be expressed by further legislation, it is presumed nothing has been done in continuation of it. No part of the western line of New Mexico has yet been run. To complete the work of ascertaining the boundary between the two countries it will therefore be necessary to finish the survey of the Rio Grande, to continue the line which has been partially run from the Rio Grande to the neighborhood of the Copper Mines, or to re-run it entirely, and to run and mark the western line of New Mexico.

With regard to the second branch of the resolution, which is in the following words—"whether the commission has expired for the want of

a commissioner and surveyor on the part of this government,"—the facts are as follows:

The act passed the 16th of May, 1850, entitled "An act to supply deficiencies," &c., contains the following provision:

"For expenses of running and marking the boundary line between the United States and Mexico, and paying the salaries of the officers and men of the commission, fifty thousand dollars: *Provided*, There shall be allowed and paid to the commissioner, surveyor, and astronomer, appointed or to be appointed for the purpose aforesaid, each a salary at the rate of three thousand dollars per annum; and that if the duties of either have been or shall be performed by an officer of the army, his pay, during the time of such employment, shall be increased to that sum: *And provided further*, That the appointments aforesaid shall terminate and cease at the expiration of three years from the first day of January, A. D. one thousand eight hundred and fifty."

The operation of this proviso, if unaffected by subsequent legislation, would undoubtedly have been to terminate the commission on the 1st of January, 1853. I so understood it; and therefore, in my annual report to you dated November 29, 1851, after reviewing the operations of the commission during the preceding year, I used the following emphatic language: "It will be impossible, however, to complete the work within the time allowed by law, and an extension of it will therefore be indispensably necessary."

This recommendation was brought to the notice of Congress by your message, and the response to it by the legislative department was contained in the following clause of the bill making appropriations for the civil and diplomatic service of the government, passed the 31st of August, 1852:

"For running and marking the boundary line between the United States and Mexico, under the treaty of Guadalupe Hidalgo, one hundred and twenty thousand dollars: *Provided*, That no part of this appropriation shall be used or expended until it shall be made satisfactorily to appear to the President of the United States that the southern boundary of New Mexico is not established, by the commissioner and surveyor of the United States, further north of the town called 'Paso' than the same is laid down in Disturnell's map, which is added to the treaty."

The proviso to this section having rendered the appropriation unavailable, the operations of the commission were arrested, and that fact was made known to Congress at the commencement of its present session, both in my report and your message, accompanied by recommendations, in the following terms:

"I deem it my duty, however, to request you to recommend to Congress a modification of the proviso to the last appropriation at an early day, so as to relieve the persons attached to the commission from the embarrassment to which they have been subjected by the want of money to pay them, and also to relieve the government from the discredit which has been brought upon it by the protest of the drafts of its accredited agents. Five months have elapsed since the close of the last fiscal year, during all which time the officers and employes of the commission have been diligently engaged in the discharge of their respective

duties, in full confidence that Congress would make the necessary appropriations to defray their expenses and compensate them for their services. This just expectation has been disappointed. No part of the appropriation for the current fiscal year can be applied to their payment. They are left in the wilderness, many of them two thousand miles from home, without any provision having been made by law for their support where they are now stationed, and with no means furnished to enable them to return to their families. They are now subsisting on funds borrowed on their individual credit, or raised on drafts drawn by the commissioner and surveyor before notice of the proviso to the appropriation, several of which have been presented to the department and protested for non-payment. This is a case which calls for prompt action on the part of Congress, and I cannot permit myself to doubt that your recommendation to that effect will be responded to without delay. It will also be necessary to make further provisions by law for running and marking the residue of the line between the two countries, in accordance with the terms of the treaty of Guadalupe Hidalgo.

"I earnestly invite your prompt attention to this subject, and recommend a modification of the terms of the proviso, so as to enable the department to use as much of the appropriation as will be necessary to discharge the existing obligations of the government, and to complete the survey of the Rio Grande to its mouth.

"It will also be proper to make further provision by law for the fulfilment of our treaty with Mexico, for running and marking the residue of the boundary line between the two countries."

The subject at once received the attention of Congress, and on the 23^d of December a bill was passed, in the following words:

"*Be it enacted, &c.*, That for the purpose of continuing the survey of the Mexican boundary, it shall be lawful to use so much of the appropriation provided by the act approved thirty-first August, eighteen hundred and fifty-two, entitled 'An act making appropriations for the civil and diplomatic expenses of the government for the year ending the thirtieth June, eighteen hundred and fifty-three, and for other purposes,' as may be required in running and marking said boundary, under the treaty of Guadalupe Hidalgo, on the Rio Grande, below the town called 'Paso,' and in defraying any necessary expenses heretofore incurred, or that may hereafter be incurred, connected with said survey."

The provisions of these last laws being in conflict with the terms of the proviso to the act of 16th May, 1850, and being in answer to earnest recommendations of the department, that it was indispensably necessary that "the proviso should be so modified as to enlarge the time allowed for the completion of the survey," I have construed the action of Congress as intended to have that effect, and as substantially enlarging the time within which the survey was to be completed.

It would certainly have involved a singular inconsistency, not to say contradiction, in the action of Congress, to make an appropriation to maintain a commission in the field, and to enable it to prosecute its operations, if the commission had ceased to exist.

Understanding the law as repealing *pro tanto* the limitation imposed by the act of 1850 on the existence of the commission, I regard it as

still existing, and competent to discharge its appropriate functions, so long as Congress shall continue to make appropriations to enable it to prosecute its operations.

In reply to the second branch of the resolution of the Senate, I therefore respectfully express the opinion that the commission has not expired for the want of a commissioner and surveyor on the part of the United States.

I am, sir, very respectfully, your obedient servant,

ALEX. H. H. STUART, *Secretary.*

THE PRESIDENT OF THE UNITED STATES.

DEPARTMENT OF THE INTERIOR,
Washington, February 11, 1853.

SIR: On the 9th instant, I had the honor to receive a resolution adopted by the Senate on the 8th, which is in the following words, viz:

"Resolved, That the Secretary of the Interior be directed to furnish the Senate a copy of the report and accompanying maps of a survey between Indianola and El Paso, Texas, made in 1850, by the topographical engineers attached to the United States commission for the survey and demarcation of the boundary line between the United States and Mexico."

As no such report or maps were ever received at this department, I referred the said resolution to Mr. John R. Bartlett, the United States commissioner under the treaty of Guadalupe Hidalgo, for a report of such information on the subject as might be within his knowledge or possession.

It appears, from his reply of the 10th instant, that such a survey was made, but that the results are still in the possession of Lieutenant Whipple, of the topographical corps, who was the officer in charge of the surveying party, and that no report has yet been made to him by that officer on the subject.

I enclose for the information of the Senate a copy of Mr. Bartlett's report to me of the 10th instant, and of the letter of Mr. John Bull, therein referred to.

I am, sir, with much respect, your obedient servant,

ALEX. H. H. STUART, *Secretary.*

THE PRESIDENT OF THE SENATE U. S.

MEXICAN BOUNDARY COMMISSION,
In camp near the river San Pedro, Sonora, September 6, 1851.

SIR: With regard to the instruments which you require for the performance of your duties in the linear survey of the Gila, which you are now about to commence, it will be necessary for you to apply directly to Lieutenant Colonel Graham for them. By the instructions from the Department of the Interior, it appears that he "will have the custody of the instruments for which he will be responsible to the department;

and he will be charged with their distribution to the assistants and surveyors as he may deem necessary for the performance of their duties, they being accountable to him for the same."

By the preceding extract you will see that I have no direct control over them, they not passing through my hands in the course of transmission to those who are to use them.

I am, very respectfully, your obedient servant,

JOHN R. BARTLETT,
Commissioner.

A. B. GRAY, Esq.,
United States Surveyor.

MEXICAN BOUNDARY COMMISSION,
In camp on the San Pedro, Sonora, September 9, 1851.

SIR: At a meeting of the joint commission held in camp on the 7th instant, I stated that a party had been organized under your direction for the survey of the Rio Grande, to be continued until further orders from me.

The Mexican commissioner consented to this, and agreed that Mr. Salazar, surveyor and chief astronomer of that commission, should co-operate with you in that work. It is desirable, therefore, that you should proceed with this business with all due despatch, as the season is already far advanced.

The survey of this river will extend from latitude 32° 22' north, down and in accordance with the above.

I am, very respectfully, your obedient servant,

JOHN R. BARTLETT,
Commissioner.

Lieut. Col. J. D. GRAHAM,
Principal Astronomer, &c., &c., Present.

MEXICAN BOUNDARY COMMISSION,
In camp on the San Pedro, Sonora, September 9, 1851.

SIR: In case the provisions for the party about to survey the river Gila shall not have been sent previous to your arrival at the Copper Mines, you will please send them by pack-mules, by the most direct route, to that river, with directions to follow it until the party having it in charge meets us, which will be at a point near the mouth of the San Pedro.

I would recommend that the escort under Colonel Craig should accompany this party.

That portion of the provisions ordered to be sent by wagons, via Cooke's road, to the Pimos villages on the Gila, please send as before directed.

I am, very respectfully, your obedient servant,

JOHN R. BARTLETT,
Commissioner.

Lieut. Col. J. D. GRAHAM,
Principal Astronomer, &c., &c., &c., Present.

CAMP AT SANTA CRUZ, SONORA,
September 26, 1851.

SIR: I have to request that you will send the provisions for which I made a requisition, before leaving the Copper Mines, for the use of the party engaged in surveying the Rio Gila, (if they have not already been sent as directed,) by pack-mules, directing the person having them in charge to strike the Gila at its most accessible point, and follow it down until the surveying parties are met, which I think will be near the mouth of the San Pedro river. Having procured flour here sufficient to last the parties to the Pimos villages, this may be omitted.

The destination of that portion of our provisions (including flour) ordered to be sent by wagons, via Cooke's road, to the Pimos villages, need not be changed.

I am, very respectfully, your obedient servant,

JOHN R. BARTLETT,
Commissioner.

To the ACTING COMMISSARY AND QUARTERMASTER,
U. S. Boundary Commission, Santa Rita del Cobre, New Mexico.

UNITED STATES BOUNDARY COMMISSION,
In camp near Sierra de Santa Rita, September 16, 1851.

SIR: Circumstances having so much changed the movements of the commission since its departure from the Copper Mines, and delayed its arrival at the Gila, you may be at a loss how to proceed in order to join me, unless you may have left before the return of Col. Graham.

A want of provisions has compelled me to resort to the nearest settlement in Sonora, to supply the immediate wants of the party on the Gila, and I am now on my way to Santa Cruz to procure them. If, on the return of Colonel Graham to the Copper Mines, you have not left to join me as before directed, I would advise your taking the nearest route to the Gila, with such portion of the escort under your command as you have detailed for this purpose, and following that river down until you meet the surveying parties, which I think will be near the mouth of the San Pedro, or within thirty miles east of that point. You must rely wholly on pack-mules for the transportation of your provisions and baggage to the Pimos villages.

If the wagons have not left, which it was intended should come around by Cooke's road to join us at the Pimos villages, I would recommend that from six to ten soldiers should accompany them. This, however, may depend on the strength of the party of civilians attending them, as several men at the Copper Mines expressed a determination to accompany them as a safe and easy means of reaching California. I could discover no trace of Cooke's road along the San Pedro river, which leads me to believe that emigrants do not now follow his route along that stream, but that they turn off at the point where the road strikes it, southwardly or southwestwardly to the village of Santa Cruz,

and thence by an old road to Tucson and the Gila river. The wagons, therefore, should turn off at the point alluded to.

I am, very respectfully, your obedient servant,

JOHN R. BARTLETT,

Commissioner.

Lieut. Col. L. L. CRAIG,

Commanding Escort U. S. B. C., Copper Mines, N. M.

SANTA CRUZ, SONORA, *September 28, 1851.*

GENTLEMEN: Herein I enclose you a copy of certain resolutions passed at a meeting of the joint commission on the 25th instant, which will govern you in the survey of the river Gila.

I am your obedient servant,

JOHN R. BARTLETT,

Commissioner.

A. B. GRAY, Esq.,

United States Surveyor.

Lieut. WHIPPLE,

Assist. Astron. U. S. Boundary Commission.

At a meeting of the joint commission for running and marking the boundary line between the United States and the republic of Mexico, held at the colony of Santa Cruz, September 25, 1851, the following resolutions were passed, viz:

1. *Resolved*, That, under existing circumstances, the lateness of the season, &c., the party for making the astronomical observations of the Mexican commission proceed to the lower part of the Gila river, and ascertain the latitude and longitude of the Pimos village, and of two other conspicuous points upon said river, between that place and the middle of the Rio Gila, where it unites with the Colorado; that the party for making the astronomical observations of the United States commission proceed to the most approximate point at present practicable to the junction of the western boundary of New Mexico with the Gila river, and ascertain the latitude and longitude of said point; and also, of the first branch or stream of any note on the right side of the Gila, descending from the above-mentioned point, as well as the latitude and longitude of the river San Pedro at its junction with the Gila.

2. *Resolved*, That the United States surveyor, in taking the topography for marking the boundary along the Gila river, place such marks or monuments as are practicable, at the various points to be determined astronomically, in order that these geographical positions may be connected with the linear surveys and reconnaissances of the line.

3. *Resolved*, That the commissioners give to their respective parties such instructions as they may think proper for carrying out the preceding resolutions, and in reference to any incidental observations at

intermediate points; and that either, if he deem it expedient, may direct his own party to verify the work of the other.

A true copy from the records.

Attest:

THOMAS H. WEBB,
Secretary U. S. Commission.

FRONTERA, NEAR EL PASO,
January 1, 1852.

SIR: Upon application to your agent here, Mr. Henry Jacobs, finding no money, or ways of getting it, to carry out the resolution of the joint commission for the survey of the Rio del Norte from $32^{\circ} 22'$ to its mouth, as conveyed in your letter dated San Pedro, Sonora, September 9, 1851, and that, too, with every disposition on Mr. Jacobs's part to raise means, I have caused to be made out the enclosed estimate of funds from this date to the 1st January, 1853, which I submit for your concurrence.

The parties not already made up were organized from the unemployed persons here, belonging to the commission, with the exception of the head to one surveying party, whom I took the responsibility to appoint, as there was no one here unoccupied capable or willing to take charge of it.

The estimate has been carefully reviewed, and cannot be reduced without cutting down the parties now in the field, and delaying operations.

Before the reception of the sum here asked for, or any money for this work since my arrival, and before the possibility of personality can be attached, I respectfully submit for your concurrence the proposition that the agent to whom you may delegate the disbursement of this money shall be placed under my orders, and expend no portion of it without my written approval. It is a power conceded as necessary on every survey of magnitude; and here, in the absence of all law and military authority, it will no doubt occur to you as a condition indispensable to my control over the employés, and necessary also to enable me to expand or contract the work according to the resources on hand.

Fearing you will not receive this in time to relieve our necessities here if I content myself with sending it westward, and seeing by your instructions to Mr. Jacobs that you "may go to Washington, via Panama," I send a copy to the department, to meet you in Washington, should you go there.

I do not find the medical officer and attendant on the transfer list signed by you, but you will see I have estimated for him, as he was transferred to my command by Col. Graham.

I am, very respectfully, your obedient servant,

W. H. EMORY,

Brevet Major, Chief Astr. and head Scientific Corps, B. S.

JOHN R. BARTLETT, Esq.,
United States Commissioner.

PASO DEL NORTE, TEXAS,
January 1, 1852.

SIR: In pursuance of your instructions of December 24, 1851, I beg leave to submit the following estimate of funds necessary for the pay, subsistence and transportation of all the employés of the United States boundary commission under your direction, for the year commencing January 1, 1852.

For the party under the immediate direction of the chief astronomer and head of the scientific corps, operating near Paso del Norte.

Pay of chief astronomer, &c.....	\$2,400	
“ “ clerk to chief astronomer.....	1,000	
“ “ four computers, at \$60 per month.....	2,880	
Commutation allowed chief astronomer, in lieu of subsistence and expenses.....	2,920	
Commutation for clerk to chief astronomer.....	1,460	
Pay of eight men employed as laborers, teamsters, &c., at \$25 per month.....	2,400	
	<hr/>	\$13,060

For party now operating on the Rio Gila.

Commutation in lieu of subsistence, &c., for chief of party.....	1,460	
Pay of four assistants and computers.....	2,840	
“ “ laborers, teamsters, &c., (14 men) at \$25 per month.....	4,200	
	<hr/>	8,500

For party now observing near San Elizario.

Commutation allowed the head of party for subsistence and expenses.....	1,460	
Pay of one assistant.....	800	
“ “ ten laborers, teamsters, &c.....	2,500	
	<hr/>	4,760

For astronomical and surveying party now in the field, near Fort Duncan, Texas.

Commutation allowed head of party in lieu of subsistence, &c.....	1,460	
Pay of three assistants.....	2,920	
“ “ 15 laborers, teamsters, &c.....	4,500	
	<hr/>	8,880

For surveying party now on the Rio Grande, below San Elizario.

Pay of head of party.....	1,500	
“ “ one assistant.....	600	
“ “ 12 laborers, teamsters, &c.....	3,600	
	<hr/>	5,700

For surveying party near Presidio Rio del Norte.

Pay of head of party.....	\$1,000	
“ “ one assistant.....	600	
“ “ 12 laborers, teamsters, &c.....	3,600	
	<hr/>	\$5,200

For medical department.

Pay of surgeon und hospital steward.....	2,100	
“ “ cook and servant.....	600	
	<hr/>	2,700

For meteorological department.

Pay of principal and assistant observer.....	1,800	
“ “ cook and servant.....	600	
“ “ geologist and botanist.....	1,200	
	<hr/>	3,600

For quartermaster and commissary department.

For the purchase of animals.....	5,000	
“ “ “ “ corn.....	8,000	
Commutation allowed quartermaster and commissary, in lieu of subsistence, and expenses.....	1,460	
Pay of one clerk and assistant.....	1,000	
“ “ five mechanics, at \$60.....	3,600	
“ “ laborers, teamsters, and herders, &c.....	6,000	
For six months' subsistence, (there being six months' provisions on hand).....	1,200	
For the purchase of two whale-boats for the mouth of the Rio Grande.....	500	
Contingent expenses not embraced in the above enumeration.....	5,000	
	<hr/>	42,560
		<hr/>
		94,960
		<hr/>

In submitting the above estimate I deem it proper to state that all the items are based upon a minimum calculation, and at least five per cent. should be added to the whole estimate.

I am, sir, very respectfully, your obedient servant,

O. H. TILLINGHAST,

First Lieut. 1st Artillery, Quartermaster and Commissary B. C.
 Brevet Major W. H. EMORY,
U. S. Top. Engineers, Chief Astr., &c., &c.

Approved and submitted to J. R. Bartlett, esq., United States commissioner, for his concurrence.

W. H. EMORY,
Chief Astr. and head Scientific Corps U. S. B. C.

FRONTERA, NEAR EL PASO,
February 8, 1852.

SIR: I regret sincerely to hear of your illness, and hope it will only be temporary. Other communications will explain that I was on my way in search of you, when stopped by Mr. Radziminski.

The despatches which you will receive by the same conveyance that takes this, will inform you of the various changes made since your absence.

Under these circumstances—not contemplated by the department, and entirely unexpected to me—in view of the fact that you cannot be expected here for some time, I have addressed the letter, of which the enclosed is a copy, to the Secretary of the Interior.

Should you receive this in time to afford the relief asked of the Secretary, I desire you will do so, and inform the Secretary of the same.

I am, very respectfully, your obedient servant,

W. H. EMORY,
Brevet Major, &c.

JOHN R. BARTLETT, Esq.,
U. S. Commissioner.

FRONTERA, NEAR EL PASO,
February 8, 1852.

SIR: I had the honor to enclose you, on the 30th January, a correspondence with Mr. Radziminski, which explains why my plans were changed, and the course I thought it best to pursue in consequence of his letter to me.

I send you to-day copies of a correspondence with Mr. Henry Jacobs, assistant secretary and clerk of the commissioner, and with Mr. George F. Bartlett, by which, I am grieved to say, it will be seen the commissioner was sick, at Ures, November 30, 1851, and directed by his physicians to go to the seacoast. Thence it was proposed to embark for San Diego.

Ures is in Sonora, about 120 miles south of the line, and near the Gulf of California; and, although I think the attempt worth making, there is much doubt if he can be reached by an express before sailing. In any event, I see no prospects of obtaining an interview with the commissioner for many months. In the mean time, all the authority in regard to money and means being vested in him, and no provision being made for his absence, I have been compelled to assume some responsibility, or see the large number of persons now under my orders, and the whole work itself, fall into inactivity and disorganization.

I have undertaken and projected no work whatever, except that already projected by the joint commission and conveyed in a letter of the commissioners to my predecessor, Colonel J. D. Graham, and have incurred no expense whatever, except the very small sum necessary to give employment to persons already in the pay of the government.

I have written to the commissioner, and doubt not he would concur in all I had done; but I see no prospects of communicating with him in

any reasonable time, and therefore request that I may be at once informed from Washington what course to pursue.

On the whole line of our present operations there is no law, civil or military. The men of the commission are almost without arms, and until very recently the commission was without credit.

In this state of things, with no power except implied powers, the Secretary will perceive how precarious my authority is, and how urgent the necessity of my being armed with some authority in the absence of the commissioner.

I have notified the gentlemen concerned of the new order stopping the commutation allowance for personal expenses, &c., &c., and request the estimate forwarded through the department to Mr. Bartlett may be altered, by striking out the several items estimated for this commutation, amounting to some eight thousand dollars.

It is a source of gratification to me to have anticipated your instructions, by prohibiting all persons under my control from drawing on the Secretary of the Interior without permission to do so, and by directing all assistants to give monthly accounts of their work.

I sincerely regret the necessity which compelled me to direct the quartermaster to draw on you for three thousand dollars, and hope it will not embarrass the department or the commissioner. But the necessity was urgent, and I doubt not, when the circumstances become known, the act will be approved by yourself, and receive the concurrence of the commissioner.

I have the honor to be your obedient servant,

W. H. EMORY,
Brevet Major, &c.

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

SAN ELIZARIO, TEXAS,
June 1, 1852.

SIR: It is not known here whether you will return to El Paso or not, but the weight of information derived entirely from private sources seems to favor the belief that you will pass from San Diego to Washington, and rejoin the commission below here. In case, however, you should return to El Paso, I write this letter to inform you briefly what I have done since my arrival, and what I propose to do until I have an interview with you.

On my arrival here, my only guide to action was your letter to my predecessor, Lieutenant Colonel J. D. Graham, dated September 9, 1851, stating the action of the joint commission, and defining the duties to be performed by the chief astronomer and surveyor on the side of Mexico, and by my predecessor on the part of the United States.

A survey of the river had been commenced by Colonel Graham, at the initial point, and prosecuted as far as the Paso del Norte, and an observatory partially erected at Frontera, and information given me by Colonel Graham that Frontera, a cardinal point in the survey, had not yet been determined. I also found it necessary to resurvey the river

down to Frontera. Since then an elaborate set of astronomical observations have been made at Frontera and San Elizario, and the two points connected by flashes, the position of Fort Fillmore determined, and, with the exception of a few astronomical determinations to be made by me on my way down the river, the whole survey is completed to Presidio del Norte, a distance estimated, following the meanderings of the river, from three to five hundred miles.

One astronomical and surveying party was sent to Eagle Pass on the 20th of December, under Lieutenant Michler, and his official report, dated April 29th, informs me that by the time of receiving his report the survey will be completed to Loredo. If so, considerably more than one third of the survey of the river is accomplished, and if sustained and supported, I have no doubt of closing the survey by the 4th March, 1853.

In connexion with this subject, I have earnestly to call your attention to the necessity of some change in the fiscal business of the commission, by which the chiefs of parties in the field may be supplied with money for necessary wants, and to enable them to discharge unworthy and un-serviceable men.

I have also to inform you that, to enable me to accomplish this large amount of work, it was necessary to change the heads of surveying parties. Indeed, it was necessary to do so to enable me to accomplish anything. I have also been obliged to take upon myself other responsibilities, all of which will be laid before you when we meet, and all of which I am satisfied will meet your entire concurrence.

Having accomplished all the work here over which I have any control or authority, and our provisions running low, I shall proceed to Presidio del Norte, where I have an engagement to meet Mr. Salazar on the 1st of August, and before which time it will be necessary for me to determine the latitude and longitude of that place.

There is much stuff of no use to the commission, which, upon the recommendation of a board of survey, I have ordered, with some reservations, to be turned over as recommended, or to be sold at public sale. I send you a copy of the proceedings of the board; and should you at any time desire to reclaim the property, or any portion turned over to Captain Bowman, it can be done on your order. If not claimed, I have no doubt the Quartermaster's department of the army will repay the commission for everything on the list appropriated to the use of the army. Everything else, except the property left with Mr. Jacobs, principal assistant Charles Radziminski, and assistant Lawson, will be taken by me to the Presidio del Norte, or sent by one of the returning merchant trains to be put in depot at Leona.

I consider it of the last importance to the economy and well-being of the commission, now that all the work is finished in this vicinity, that the whole commission should move from the vicinity of El Paso, where it has been for so long a time, and I would like to send all down to the depot at Leona. But I leave Mr. Jacobs here for the obvious reason that he is specially under your orders, and it is necessary for some authorized agent to be left behind to pay the accumulated debts of the commission.

I leave principal assistant Radziminski and the officers of his party,

and instruments, to await instructions in reference to any unfinished work that may have to be done west of the del Norte. I have no data in my possession, written or verbal, to show at this time what is finished or what is unfinished west of the del Norte, except the newspaper paragraphs, and can, therefore, only give hypothetical instructions to Mr. Radziminski, which may be modified to suit the exigencies of the case. Should you come here in my absence, or should I meet you down the river, his instructions will be redrafted from your suggestions. In the mean time he and his party must remain idle.

He cannot move west without an escort of a company of troops, and without money—five or ten thousand dollars. He can buy his provisions at Fort Fillmore at a much cheaper rate than can be transported to him from the States. I have left him all the instruments and other property necessary to enable him to perform the duties which may be left unfinished, and provided him for any contingencies that may happen. This same party can, at the same time it makes the survey, erect the monuments that may be directed by the joint commission; and as you will probably order the monuments from the States, the wagons which I take down can be used to bring them to the line, as I hope by that time to have carried the survey down to that part of the river where boats alone may be used.

I cannot close this letter without stating to you in the strongest terms the necessity of my being supplied, at the earliest day possible, with funds. The men have none of them been paid since July last, and are in a deplorable condition for the want of the necessaries of life, and subjected to have their paper shaved in the purchase of clothing, &c., from the merchants, which it is not reasonable to expect them to endure. Indeed, unless relieved by the time of reaching the Presidio del Norte or Leona, it will not be possible to hold together the surveying parties. Should you not be able to furnish me with funds, I earnestly invite your attention to the necessity of at once devising means, by certifying the accounts of the men or otherwise, to quiet apprehensions and insure ultimate payment by the government, and thus arrest the disagreeable scenes that must inevitably occur on the work if things are allowed to proceed much longer without some satisfaction given to the men, who have worked honestly and faithfully, and exposed themselves freely in a hostile Indian country, in the discharge of their duties.

Previous despatches will have informed you of my expedition, soon after getting here, to join your camp, and the reason why it was abandoned, and a small party sent to seek you. These will also put you in possession of my estimate of funds required for the year commencing January 1, 1852, for the surveys assigned to the chief astronomer and surveyors on each side.

I have to inform you that in pursuance of authority vested in me, in your absence, by letter from the Department of the Interior, dated April 8, 1852, I have relieved Lieutenant O. H. Tillinghast from the duty of quartermaster and commissary of the boundary commission, and appointed T. W. Tansill, esq., senior clerk and agent of the department, to act in his place. Upon his own application to the honorable Secretary of the Interior, approved by me, Second Lieutenant Wm. F.

Smith, corps topographical engineers, has been relieved from duty with this commission.

Mr. Salazar, the Mexican astronomer and surveyor, who is also commissioner, has agreed to meet me at the Presidio del Norte on the first of August, to sign the maps down to that point, and make final arrangements for the completion of the work below. He is now in Chihuahua, where he has been for the last month.

I have caused to be abandoned the ranch at Frontera, which was held at a high rent, and directed the public buildings at San Elizario to be used for the purpose of the commission, thus securing the government against this prolific source of expenditure.

I am, very respectfully, your obedient servant,

W. H. EMORY,

Bvt. Major U. S. A., Chief Astro. & Sur., B. C.

JOHN R. BARTLETT, Esq.,

U. S. Commissioner.

CAMP OPPOSITE PRESIDIO DEL NORTE,

August 1, 1852.

SIR: I have to inform you that in virtue of authority vested in me, in your absence, by the honorable Secretary of the Interior, I have drawn two checks in favor of T. W. Tansill, esq., quartermaster boundary commission—one for four thousand dollars, the other for twelve hundred dollars—which have been applied to the immediate and pressing wants of the commission.

I expect to be at Eagle Pass in two months from this date, and at that time desire to discharge two parties of about thirty men each, and several of the assistants, and request that funds may be placed there for the purpose—ten thousand dollars.

Several resignations have taken place, but I am yet much embarrassed in my operations with too many assistants. I have, therefore, respectfully to request you will discharge, or at least not send to me or attach to the surveying or astronomical party, any of the assistants now at El Paso, or that may be brought by you from California, except two for Mr. Whipple's party, to be selected by him, and one for Mr. Radzimin-ski's party, to be selected by him.

In addition to the resignations last noted, I have to inform you of the resignation of Mr. Von Hippel, which took effect July 23, 1852, and the resignation of Mr. Philips, to take effect at a time yet to be determined.

I have appointed Mr. Edward Ingraham in the place of Mr. Von Hippel, but he is now absent, and I have assigned his duties temporarily to assistant G. C. Gardner.

I have the honor to be your obedient servant,

W. H. EMORY,

Bvt. Major U. S. A., Chief Astro. & Sur., B. C.

J. R. BARTLETT, Esq.,

U. S. Commissioner.

CAMP OPPOSITE PRESIDIO DEL NORTE,
August 15, 1852.

SIR: I wrote you on the 1st of August, asking to have the ten thousand dollars at Fort Duncan on or about the last of October, to pay off the men who were to be discharged. A much larger number than I then supposed will be ready to receive discharges, and I request that twenty thousand dollars may be sent in place of ten.

In addition to the sum necessary to pay off the men, a new outfit for most of the parties will be necessary.

I have the honor to be your obedient servant,

W. H. EMORY,
Brevet Major U. S. A., &c., &c.

JOHN R. BARTLETT, Esq.,
United States Commissioner.

ON THE ROAD, NEAR FIRST CROSSING SAN PEDRO RIVER,
September 18, 1852.

SIR: I have only time, as the mail passes, to acknowledge the receipt of your letter from El Paso, by which I am glad to learn your safe return to that place.

I have finished all my work to the Presidio del Norte, and started a surveying party down the river to meet the one coming from Eagle Pass up, and am now on my way to reinforce both of them.

Owing to the entire insufficiency of the escort, I left all of Lieutenant Green's command with the surveying party, and have been obliged to proceed without one.

I am, very respectfully, your obedient servant,

W. H. EMORY
Bvt. Major U. S. A., Chief Astron. and Sur., B. C.

J. R. BARTLETT, Esq.,
United States Commissioner.

CAMP NEAR FORT DUNCAN,
October 30, 1852.

SIR: I received your two checks—one for \$12,000, the other for \$8,000. The merchants here refused to cash them, alleging that similar drafts had been protested in Washington. Unfortunately, a few days afterwards notification was served on me, through one of the leading houses here, that a small draft drawn by me under authority of the Secretary of the Interior, at Presidio del Norte, and without which the work would have been suspended at that point, had also been protested.

The protest was dated after the deficiency bill and the appropriation bill had become laws of the land. This settled the business. I had before this sent an agent to San Antonio to see what could be done; and unofficial advices this day received, inform me the largest draft has

fallen into hands having, I know, large and just claims against the commission; so the whole object of my requisition, which was to have twenty thousand dollars here in cash, to discharge and reorganize parties concentrating on this point, is defeated.

I made the requisition for that limited amount, supposing you of course would follow on immediately and join me here. Under these circumstances, seeing the work about to be suspended, and myself placed in so false a position, I immediately, on the receipt of the notification that my draft was repudiated in Washington, despatched Lieutenant Michler to ascertain the cause, and correct, if possible, the delinquencies.

I have now been one year on this work without seeing a dollar from you, and have been obliged to sustain it by a system of credits, promises and threats, wholly unknown to our government.

Considering the munificent appropriations made by Congress, I cannot think the survey has received anything like its just proportion of the funds.

I received by mail your letter informing me you could not keep your engagement to meet me at this place. In consequence of which, I have this day made a requisition for funds directly on the Department of the Interior, to prevent, if possible, a suspension of the work, and the scenes of disorder that must ensue if the parties collecting here are detained for want of means to send them on or discharge them.

I regret to learn by your letter that you have taken Mr. Radziminski and assistants with you, as two opportunities presented themselves since your arrival and that of Mr. Whipple's, at El Paso, by either of which he and his party could have joined me with ease and safety.

I regret to learn also from Lieutenant Whipple that you have not seen proper to furnish him with funds. I understand your letter as agreeing to my proposition that it was necessary to furnish with funds each chief of party.

So many and so complicated have become the difficulties growing out of the long-continued absence of yourself, in whom rest all the moneyed powers of the commission, that I would, to obviate them and other difficulties, leave my work and go to any point to meet you; but your letter is indefinite both as to time and place of meeting, and for the present I content myself with sending this to the place you name as the most probable to meet you, Comargo, or rather Ringgold barracks, the American post opposite.

My estimate for the year 1852 was \$90,000—not a cent too much, though many of the items in that estimate would, from my increased experience, now be changed.

This estimate was made at El Paso in duplicate, accompanied by letter. One copy was directed to you, at, I think, San Diego, and the other copy was directed to you through the Department of the Interior. If you were not in place to receive it, that is no fault of mine, and surely can never be used as a reason for the distressing and unusual condition in which I am placed, both personally and officially, by the total failure to keep the working people of this commission supplied with a portion of the munificent funds voted by Congress for this work.

At El Paso, to avoid stopping the work and to relieve the immediate necessities of individuals, I certified to the correctness of pay accounts, and the individuals sold them to shavers and brokers.

This necessity should never occur on a government work, as it leads to speculation, and is injurious to the credit of the government.

Should this meet you, I desire you will send me, with as little delay as possible, twenty thousand dollars in cash, and cause thirty thousand to be placed to my credit either in New Orleans or at Fort Brown. Should you do so, the requisition on the government, if complied with, will not be used.

I am, very respectfully, your obedient servant,

W. H. EMORY,

Bvt. Major U. S. A., Chief Astron. and Sur., U. S. B. C.

J. R. BARTLETT, Esq.,

United States Commissioner.

CAMP NEAR FORT DUNCAN,

November 11, 1852.

SIR: Despatches reached me this morning by express, suspending the work, particularly the line from the Rio Grande to the Gila river, as determined by the two commissioners.

You will therefore, immediately on the receipt of this, *stop all operations*—repair with your party to Fort Fillmore or El Paso, and there await further orders.

I am, very respectfully, your obedient servant,

W. H. EMORY,

Bvt. Major Top. Engs. Chief Astron. and Sur., B. C.

Lieut. A. W. WHIPPLE,

Corps Top. Engs. on the Boundary Survey.

RINGGOLD BARRACKS, *December 20, 1852.*

SIR: The drafts drawn by me, under authority of the Secretary of the Interior, and the drafts sent me by you from El Paso, were all protested. Notice of this and other circumstances beyond my control caused me in effect to stop operations about the 5th of November, since which time I have been, as directed by the Secretary, awaiting your arrival; so that we have in fact been at work now one year without receiving a dollar from the government, and many of the employes have not been paid for a much longer period. As stated to you in conversation, at Presidio del Norte a panic seized a large number of the men—first, with the idea they never were to be paid, and, second, with the fear of the Indians. Being in a country wholly remote from any aid, I found it absolutely necessary to keep the men in service, and, upon the faith of orders from the department, and the expectation of soon meeting you, I promised they should be paid and discharged at

Fort Duncan. I desire now to take the only remaining step left to enable me to redeem that pledge, and to request, if there is a dollar left, it may be distributed among these men.

Enclosed is a list of the officers and men in service, and the amounts due each up to November 20, 1852. Subsequent revision of the accounts may show a slight alteration.

The total amount of this list is	\$16,439
The pay, &c., up to this time, will be, in addition	7,000
To which is to be added a check for \$12,000, drawn by you in my favor, turned over to T. W. Tansill, quartermaster of the boundary commission, accepted by Messrs. Lewis & Groesbeck, expended in drafts by Mr. Tansill, and subsequently repudiated by Messrs. Lewis & Groesbeck	12,000
There is also due, chiefly in San Antonio, about \$8,000, the amount of the drafts drawn by me under authority of the Secretary, and non-accepted	8,000
Total amount.....	43,439

I think it unnecessary to make a requisition on you for funds for the further prosecution of the work until the above demands are satisfied.

I am, very respectfully, your obedient servant,

W. H. EMORY,

Bvt. Major U. S. A., Chief Astr. and Surveyor B. C.

JOHN R. BARTLETT, Esq.,

United States Commissioner.

List of amounts due to officers and employés of the United States boundary commission—approximately.

Names.	Grade.	Amount.
C. C. Parry.....	Botanist, &c.....	\$400
J. M. Bigelow.....	Surgeon.....	360
M. T. Chandler.....	Assistant surveyor.....	1,250
A. C. V. Schott.....	do.....	1,000
Thos. Thompson.....	do.....	133
P. Creniou.....	Computer.....	240
E. Ingraham.....	Assistant surveyor.....	1,300
T. W. Jones.....	Assistant, astro. dep't.....	200
E. A. Phillips.....	Assistant.....	400
J. H. Houston.....	do.....	100
H. M. Bigelow.....	Assistant, medical dep't.....	40
T. W. Tansill.....	Q. M. and commissary.....	2,133
Geo. S. Peirce.....	Clerk Q. M. and com'ry.....	420
Jno. Lawson.....	Assistant, astro. dep't.....	330

LIST—Continued.

Names.	Grade.	Amount.
G. C. Gardner.....	Ass't surveyor and clerk...	\$200
Geo. Ipsen.....	Laborer.....	145
Jas. North.....	Teamster.....	175
Jno. Woodland.....	Laborer.....	275
Chas. Abbott.....	do.....	175
Thos. Turnbull, (dead).....	do.....	275
Geo. Whales.....	Cook.....	150
Salvador Estrado.....	Servant.....	165
F. Weindecker.....	Laborer.....	140
C. M. Stone.....	do.....	480
L. W. Carpenter.....	do.....	220
Serapio Soldaño.....	do.....	320
Michael Ruth.....	do.....	140
Benj. Anderson.....	do.....	300
Jno. Young.....	do.....	265
Eduardo Vegas.....	do.....	75
And. Stevens.....	Cook.....	175
Wm. L. Randolf.....	Blacksmith.....	50
Thos. McGuire.....	Wagon-master.....	120
Christobal Martinez.....	Teamster.....	25
Geo. Ross.....	do.....	50
J. Tucker.....	Attendant, astro. dep't.....	440
B. F. Burns.....	do..... do.....	50
E. B. Cross.....	Teamster.....	25
E. Cook.....	Cook.....	180
José Morales.....	Laborer.....	30
Jas. Hartley.....	Commissary sergeant.....	90
E. Hernandez.....	Herder.....	10
Mariano Frescas.....	Servant.....	125
James Butler.....	Express man.....	125
Henry Ranstein.....	do.....	300
José Caballero.....	Herder.....	150
José Gutieras.....	Servant.....	50
Jas. Kilpatrick.....	Laborer.....	30
F. Perez.....	Servant.....	90
Jas. Sullivan.....	Laborer.....	200
Jas. Stephens.....	Cook.....	300
Jas. Dillan.....	Teamster.....	50
— Blas.....	Servant.....	120
J. M. Chaddick.....	Teamster.....	200
J. B. Gunn.....	do.....	30
E. Rose.....	do.....	30
Jas. Ayres.....	do.....	30
Jas. Monroe.....	do.....	30
Morris O'Brien.....	do.....	30

LIST—Continued.

Names.	Grade.	Amount.
H. White.....	Cook.....	\$30
Patrick Hendley.....	Teamster.....	30
Jas. Cawood.....	do.....	30
Nelson Vosburgh.....	do.....	30
Leonardo Roderigas.....	Laborer.....	125
For express service and miscellaneous.....		1,250
Total amount.....		16,439

T. W. TANSILL,

A. Q. M. and Commissary U. S. B. C.

EAGLE PASS, TEXAS, November 20, 1852.

The name of Mr. John H. Clark is omitted in the above list by Mr. Tansill. I found him rated as computer. On the 18th of July I appointed him assistant to the chief astronomer, vice Smith, and raised his salary from \$720 to \$1,000 per annum. The total amount due him is \$1,475.

W. H. EMORY,

Brevet Major U. S. A.

RINGGOLD BARRACKS,

December 21, 1852.

SIR: In reply to your letter of this date, I have to state, I concur with you in opinion that the survey cannot be carried on one day longer if there is no money. I recommend that all the instruments be stored at the post nearest to which the surveying parties may be at this time; that the men all be transported to San Antonio, and there discharged; that the wagons all be taken to the same place and stored, and one hundred of the best mules be taken and placed upon some ranch near San Antonio, where the grass is good—these one hundred mules and wagons to be kept there for the subsequent use of the commission; that all the rest of the animals and other property of the commission, destructible in character, be sold in San Antonio, at public sale, after one month's advertisement; that the assistants all be ordered to Washington to report to me in person, with their notes.

If the wagons and mules recommended to be retained, and the provisions, will be received by any quartermaster or commissary of the

army, to be returned in kind when required, I recommend them to be turned over to such persons.

Most of the arms in the use of the commission have been received from the ordnance department through me; they should be turned over to the ordnance officer at San Antonio.

I am, sir, very respectfully, your obedient servant,

W. H. EMORY,
Brevet Major, &c.

JOHN R. BARTLETT, Esq.,
United States Commissioner.

RINGGOLD BARRACKS,
December 24, 1852.

SIR: In addition to the property recommended to be reserved in my letter to you of the 21st instant, I suggest that the pack-saddles, and horsemen's saddles and bridles, also be reserved from sale.

I am, very respectfully, your obedient servant,

W. H. EMORY,
Brevet Major U. S. A., Chief Astr. and Surveyor B. C.

JOHN R. BARTLETT, Esq.,
United States Commissioner.

RINGGOLD BARRACKS,
December 26, 1852.

SIR: I hand you herewith the transfer list of the men of the United States boundary commission, now at Ringgold barracks. This list shows the accounts of each hired man, and also the amount due by each to Davis and Durst, who have kindly advanced them clothing, with the understanding that the amount due is to be stopped by the disbursing agent when the men are paid off.

I am, very respectfully, your obedient servant,

W. H. EMORY,
Brevet Major, &c.

JOHN R. BARTLETT, Esq.,
United States Commissioner.

CORPUS CHRISTI,
January 1, 1853.

SIR: In pursuance of a previous arrangement, I have this day directed Mr. G. C. Gardiner to turn over to you, or your order, the public property of the boundary commission in his possession.

Understanding the quartermaster department of the army is engaged in purchasing transportation, I respectfully recommend that a

tender shall be made to that department of all the wagons and animals of the commission, at a valuation to be fixed by disinterested persons.

I am, very respectfully, your obedient servant,

W. H. EMORY,
Brevet Major, &c.

JOHN R. BARTLETT, Esq.,
United States Commissioner.

CORPUS CHRISTI,
January 2, 1853.

SIR: Understanding from you that Lieut. Whipple has made to you at various times since my appointment to this work as chief astronomer and surveyor, reports direct without coming through me, I hereby respectfully protest against his having done so, and ask that those reports may be forthwith returned to me.

Lieut. Whipple never made any report to me until August 20, 1852, and then only a few lines, wholly unsatisfactory. I was anxious to believe that this neglect was the result of accident. It now appears designed, and I now take the first opportunity to protest against this act on his part, as directly contrary to the regulations, and as wholly without a precedent in any department of the government.

I am, very respectfully, your obedient servant,

W. H. EMORY,
Brevet Major, &c.

JOHN R. BARTLETT, Esq.,
United States Commissioner.

NEW ORLEANS, LA.,
January 11, 1853.

SIR: I hereby invite your concurrence in recommending to the honorable Secretary of the Interior the following modifications of the regulations of the 4th November, 1851:

1st. The chief astronomer and surveyor shall have the absolute power of appointing and dismissing all assistants in the department of astronomy and surveying; the number and grade of the assistants to be agreed upon by the commissioner and astronomer.

2d. All co-ordinate scientific branches shall be under the direction of the chief astronomer and surveyor.

3d. No bill of expenses or salary shall be paid to any persons employed under 1st and 2d, without the written approval of the chief astronomer and surveyor.

4th. No office of agent, quartermaster, or commissary shall exist except it be that of disbursing agent, but all responsibility of property and money for the service of any party shall rest where it does in other surveys, with the chief of the party.

5. No report shall be made to the commissioner by any of the employes without making it through the chief astronomer and surveyor;

the assembly and collation of the work to be made under the orders and direction of the chief astronomer and surveyor.

All estimates of funds shall be made by the chiefs of parties to the chief astronomer and surveyor, which estimates shall be revised and approved by the chief astronomer and surveyor; and the commissioner, if he approve the same, shall furnish the funds to each of the parties before going into the field, and shall hold each chief of party accountable for the same,

In case of disagreement with the chief astronomer and surveyor as to the amount or character of an estimate, the same shall be referred to the honorable Secretary of the Interior.

The per diem commutation allowance to officers of the army on duty with the commission to be restored, provided no per diem whatever is allowed to any person on detached service.

Understanding, from your conversation, your general concurrence in these views, I say nothing to illustrate their necessity.

I am, very respectfully, your obedient servant,

W. H. EMORY,

Brevet Major United States Army.

JOHN R. BARTLETT, Esq.,

United States Commissioner.

WASHINGTON, *February 10, 1853.*

SIR: In reply to your note of February 9, received this day, I have to state that on the 20th of December, when I first met you at Ringgold barracks, I furnished you with a list showing the amount due each officer and man up to the 20th November, 1852, of whose accounts I had any knowledge. At Corpus Christi a transfer list was handed you of the men in my personal party. Since, some have been paid and some discharged by you, or your order. The transfer of these papers to you, and your subsequent acceptance of all the property and debts of the commission, leaves with you all the knowledge, or means of acquiring it, which is not possessed by me. After the transfer of these lists, and the men with them, it is not in my power to say who were discharged, or when they were discharged; and my knowledge only extends to those assistants who were required by me in Washington, a list of whom you have been furnished with. I am, however, in hourly expectation of the arrival of Mr. Tansill, quartermaster and commissary, who will on his arrival be directed to give you such information as he may possess, so as to complete the rolls from the day when I handed the transfer list to you up to the present time. He probably has kept a note of when the different persons were discharged by your agent, Mr. Thurber. There are some under my orders whose accounts I have never seen or had anything to do with, beyond approving the monthly pay accounts upon the certificate of the holders. No statement of their accounts was ever furnished me by you or others when I took the command.

Quartermaster Tansill and assistant Chandler were directed to furnish to your order, at San Antonio, the transfer list of all the men not

embraced in the transfer list handed you at Corpus Christi, up to the date of transfer. What your agent, Mr. Thurber, has paid on these, it is, of course, impossible for me to know; but Mr. Tansill, on his arrival, can furnish copies of the transfer list given by himself and Mr. Chandler.

For the purpose of an estimate, the general statement furnished you December 20, showing the amount of indebtedness up to November 20, may be relied on. From this you will have to subtract the sums paid by you, or under your order, and add the pay which may have accumulated up to the date of discharge of the individual.

I will immediately make the estimate you request; but before doing so, I desire you will furnish me with Lieutenant Whipple's report to you, which should have been sent through me, and also with the notes forwarded by him to the Department of the Interior, enclosed in a box directed to you. I have previously written you on the subject, and request your answer. I claim this report and these notes as my right, and cannot make any estimate without first seeing these notes and drawing my own conclusions as to the character of the work and its present condition.

I am the surveyor of the whole line, and of no particular part of it, and cannot consent to acquiesce in any arrangement which falls short of this, as I should do were I to make an estimate for only a division of the work.

I beg your early attention to this subject, and remain, very respectfully, your obedient servant,

W. H. EMORY,

Bvt. Major U. S. A., Chief Astr. and Surveyor B. C.

JOHN R. BARTLETT, Esq.,

United States Commissioner.

WASHINGTON, *February* 11, 1853.

SIR: In reply to your note of this date, I have to state that your request embraced not only an estimate for the survey of the unfinished portion of the boundary along the Rio Grande, but "also for the office work in Washington in constructing the maps."

I cannot make that estimate without knowing the amount of office work to be done; and how am I to arrive at that knowledge without seeing the notes and maps of the survey, and the progress that may be already made in projecting it on paper?

I am, very respectfully, your obedient servant,

W. H. EMORY.

JOHN R. BARTLETT, Esq.,

United States Commissioner.

WASHINGTON, *February* 14, 1853.

SIR: Enclosed is an estimate of funds for finishing the survey of the Rio Grande, and for the expenses of the office-work of the whole line, for one year.

I think the present a fit occasion to repeat the recommendation so often made by me, that a disbursing agent be appointed, who shall be, so far as the funds of the survey are concerned, under the orders of the chief who actually conducts the operations in the field. Unless this is the case, confusion and misunderstanding must continue.

I also repeat my recommendation that the office of quartermaster and commissary, and agencies of all description, be abolished, and their duties centred in one disbursing and property agent, to reside in Washington or New Orleans.

I am, very respectfully, your obedient servant,

W. H. EMORY,

Bvt. Major U. S. A., Chief Astr. and Surveyor B. C.

JOHN R. BARTLETT, Esq.,
United States Commissioner.

Estimate of funds for completing the survey of the Rio Grande.

FOR TWO ASTRONOMICAL PARTIES FOR SIX MONTHS.

One chief astronomer and surveyor	\$1,500	
Two assistants	1,200	
Two sub-assistants	1,000	
One clerk	500	
One draughtsman	600	
Ten men, at \$30 per month	1,800	
Six observing-tents, at \$70 each	420	
Twelve common tents, at \$8 each	96	
Two wall-tents, at \$40 each	80	
Two boats	400	
Subsistence	1,500	
Transportation and personal expenses	4,500	
Transportation, repairs, and storage of instruments ..	5,000	
		\$18,596

FOR THE PARTY TO COMPLETE THE UNFINISHED WORK ABOVE
EAGLE PASS.

One principal assistant for six months	\$900	
One sub-assistant for six months	500	
Twenty men, at \$40 per month, for six months	4,800	
Five thousand rations, at 30 cents per ration	1,500	
Eight India-rubber boats	1,000	
Equipage, ropes, riatas, &c.	400	
Transportation of assistants to and from the work, and personal expenses	1,500	
Forage for animals	1,500	
		12,100

FOR TWO SURVEYING PARTIES TO WORK FROM LOREDO TO THE
MOUTH OF THE RIVER.

Two assistants for six months	\$1,200
Two sub-assistants for six months	800
Thirty men, at \$30 per month, for six months	5,400
Six thousand rations, at 30 cents per ration	1,800
Four boats, of the first quality	800
Equipage, tents, sounding lines, signals, &c.	1,000
Transportation and personal expenses of assistants ..	2,000
	\$13,000
Amount	43,696

Estimate for the office-work for one year.

Pay of chief astronomer and surveyor	\$3,000
principal assistant	1,800
four assistants, each at \$1,200 per annum	4,800
one clerk	1,000
five sub-assistants, each at \$1,000 per annum	5,000
two computers; each at \$800 per annum	1,600
one geologist and botanist	1,200
one zoologist	1,200
collaborators in geology, botany, and zoology	2,400
two draughtsmen, each at \$1,500 per annum	3,000
two draughtsmen, each at \$1,000 per annum	2,000
Rent of office	500
Orderly to office	360
Stationery, drawing-tables, and instruments	500
Personal and travelling expenses of chief and assistants ..	5,000
Pay of one disbursing and property agent, to be under the orders of the chief astronomer	2,500
	35,860
Amount	35,860

RECAPITULATION.

Amount of estimate for completing the survey of the Rio Grande	\$43,696
Amount of estimate for office-work for one year	35,860
Ten per cent. for contingencies	7,956
	87,512
Total amount	87,512

WASHINGTON, *February 17, 1853.*

SIR: I have withheld this report, of the same date as my estimate, hoping Mr. Chandler would reach here and enable me to speak decisively of section ten of the work. He has not yet arrived; and as the estimate is about going in, I send the report, which I think should accompany it. It will show the vast amount of work done, and remove any objection to the estimate.

Very respectfully, your obedient servant,

W. H. EMORY,
Brevet Major, &c.

J. R. BARTLETT, Esq.,
United States Commissioner.

WASHINGTON, *February 14, 1853.*

SIR: The estimate this day submitted will give a very precise idea of the quantity of work remaining to be done on the Rio Grande; but a specific account of what has been accomplished is requested in your letter of the 9th inst., and is also proper to be made as a record of the operations of the joint commission up to this date.

On arriving at Frontera, and taking charge of the operations of the commission in that quarter, in November, 1851, I found my predecessor in the act of erecting an observatory at that point. I was also specially informed by him that no satisfactory determinations had been made at that or any point on the river below, nor was there a trace or a note left me of any observations having been made there or elsewhere, except of the point determined by you and Lieutenant Whipple as the initial point on the river, in latitude $32^{\circ} 22'$.

I found two parties engaged in the survey of the river, under the orders of Colonel Graham; one having commenced two months preceding my arrival, at the point $32^{\circ} 22'$ on the river, and the other having commenced a week or ten days preceding my arrival at Frontera. The first had nearly reached Frontera, and the other was met by me opposite El Paso, having completed about eight miles. This was the state of the work as I found it.

I immediately completed the erection of the observatory at Frontera, which I took charge of in person; established another at San Elizario, under the direction of Lieutenant Smith, and detached Lieutenant Michler with two parties to establish an observatory at Eagle Pass, and to commence the survey of the river *upwards* from that point. At the same time the two surveying parties found in the field were re-enforced, re-equipped, and reinstructed to push the survey with all despatch consistent with a due regard to accuracy. This was in mid-winter, the ground covered with snow, and, as the official correspondence already shows, with not a dollar at my command. From that time until the 15th of November, when the work was virtually suspended, the survey was pressed under every disadvantage, and with what success will be shown by the following summary of results:

1. The positions of Frontera and San Elizario were determined in latitude, and their positions in longitude determined by observations

running through four lunations, and the stations, together with the astronomical station of Mr. Salazar at El Paso, connected together by flashes—the combined observations forming, probably, the best-determined geographical position in the interior of the continent.

2. The position of the cañon one hundred miles below San Elizario was elaborately determined by me, and connected with San Elizario by flashes.

3. The Presidio del Norte was determined by me, elaborately, in latitude and longitude.

4. The latitude of Eagle Pass was determined by Lieutenant Michler, the longitude by myself.

5. The position of Loredo was determined by me, (nearly,) and observatories erected at Ringgold barracks, ready to set up the great instruments, when the work was suspended.

6. Various intermediate points were determined in latitude by the sextant, and the approximate longitude by the passage of chronometers.

7. The survey of the river from El Paso to the Presidio del Norte was completed by assistant Von Hippel.

8. The survey of the river from Eagle Pass to Loredo, under the orders of Lieutenant Michler.

9. The survey of the river from Eagle Pass to the mouth of the Pecos, by assistant Schott.

10. The survey of the river from Presidio del Norte to Fort Vincente by assistant M. T. W. Chandler.

11. The resurvey of the river from Frontera to $32^{\circ} 22'$, by principal assistant Charles Radziminski.

An examination of the notes of this survey originally made, and the attempt to plot them, showed them insufficient and inaccurate. In stating the necessity of making this resurvey, I wish distinctly to be understood as casting no reflection on my predecessor, who, I have no doubt, would have done the same thing himself, and who, if my recollection serves me, expressed doubts of its sufficiency. I ordered the resurvey with reluctance, knowing that I was touching on disputed ground, with which I desired, in its then condition, not to touch; but it occurred to me—and I think the judgment sound—that if any weight or consideration could be attached to commencing the survey at that point, the consequences; if any, had already been incurred and that it was to the best interest of the government, if it made any survey at all, to make a correct one.

All the work enumerated, from one to eleven, has been examined by myself or by an officer of topographical engineers, and may be considered as admissible, except that in the 10th section, which has not yet been received; and I have delayed this statement in hopes that the assistant in charge and in possession of the notes would arrive, to afford me the opportunity of doing so. One of the sub-assistants of that party who took an efficient part in the survey has arrived, however, and I am induced to think the work, as far as it went, will be acceptable.

This section, the most difficult on the work, was intended to reach to the mouth of the Pecos and connect with that of assistant Schott at that point; but, from causes which could not be avoided—the acci-

dental destruction of the boats and the impassable character of the ground on the banks of the river—the party broke down at San Vincente; and at the moment of preparing a refit, intelligence was received which suspended the work.

So, then, with the exception of this distance between Fort Vincente and the mouth of the Pecos, about one hundred miles, which has been reconnoitred, and presents no difficulties in its execution, the work is completed to Loredó. Besides which, observatories have been erected at Ringgold barracks, and most of the materials collected and in place for the final observatory at the mouth of the river. It was contemplated, and I think with reason, that six months more of uninterrupted labor would have completed the field-work.

I make no note here of the surveys made incidentally, such as the reconnaissance of the road by the way of Corralitas to the Pimos village, by assistants Ingraham and Parry; the reconnaissance of the route on the parallel of $31^{\circ} 48'$, as far as Lake Guzman, by assistant Gardner; of the opening by myself of a wagon-road from Presidio del Norte to the San Antonio road, by which the distance to and from Chihuahua is reduced six hundred miles; and the reconnaissances made on the Mexican side, and the opening of a more direct road from El Paso to the Presidio del Norte; and of the survey and barometric levellings of the road from San Antonio to El Paso. Nor is it a fit occasion to note the vast amount of materials collected by me, and under my orders, in geology, botany, and zoology, further than to say we have collected sufficient to illustrate completely the physical geography of the zone of country extending along the boundary from the initial point on the Pacific, to near the mouth of the Rio del Norte, on the Gulf of Mexico.

I am, very respectfully, your obedient servant,

W. H. EMORY,

Bvt. Major U. S. A., Chief Astronomer and Surveyor B. C.

J. R. BARTLETT, Esq., *U. S. Commissioner.*

CAMP ON SAN PEDRO RIVER,

September 9, 1851.

SIR: Learning that you are about to visit Santa Cruz for the purpose of procuring provisions, animals, &c., on account of the deficiency in the supply furnished by the quartermaster and commissary department at the Copper Mines, for the survey and reconnaissance of the Gila river, I have to request that you will procure for my party provisions for fifty days, and an additional number of six pack-animals, with pack-saddles, and two arrieros equipped; also two riding-saddles and bridles.

This, of course, so far as the subsistence goes for the assistants and men, is to be modified by anything which you may have provided for to meet us at the Pimos villages.

I remain, very respectfully, your obedient servant,

A. B. GRAY,

U. S. Surveyor, &c.

Hon. J. R. BARTLETT, *U. S. Commissioner, &c., &c.*

P. S.—I have received no communication from Col. Graham, in answer to my application for instruments, as yet.

A. B. G.

SAN DIEGO, CALIFORNIA,
February 14, 1852

SIR: I beg leave herewith to furnish you with a copy of my hasty report to Col. Graham, dated January 10, 1852. A copy was also addressed, during your absence, to the honorable the Secretary of the Interior, for the purpose of placing before the department a knowledge of the progress of the work.

Since that time, the party has been employed in platting the notes of the survey and in computing astronomical and magnetic observations, all of which furnish most satisfactory results.

I remain, sir, very respectfully, your obedient servant,

A. W. WHIPPLE,
Lieutenant U. S. Topographical Engineers.

JNO. R. BARTLETT, Esq.,
Com. U. S. and M. Boundary Survey, San Diego, Cal.

MEXICAN BOUNDARY COMMISSION,
Benicia, California, March 25, 1852

SIR: The United States boundary commission will leave San Diego early in April on its return to El Paso, via the Rio Gila, and will, during its journey, complete the survey of that river near its junction with the Colorado.

An escort, under the command of Brevet Lieutenant Colonel Craig, was furnished the commission for its protection. The number of soldiers remaining at present at San Diego is so small, in consequence of desertions, that I fear it will not afford the requisite protection to the engineering parties when on duty, and for guard at night. I have therefore to request the favor of you to detail about twenty soldiers, or such number as you may deem proper, to accompany the commission as far as the Pimos villages, on the Gila.

With high respect, I am your obedient servant,

JOHN R. BARTLETT,
Commissioner.

General HITCHCOCK,
Commanding Pacific Division, Benicia.

HEADQUARTERS PACIFIC DIVISION,
Benicia, March 27, 1852.

SIR: Herewith I have the honor to enclose special orders No. 18, of this date, issued in accordance with your request, conveying instructions to the officers commanding at the mission of San Diego and Fort Yuma,

mouth of the Gila, to provide you with suitable escorts to the Pimos villages. I have included the commanding officer at the former post, in case you should find it necessary to call upon him for a guard as far as the Gila.

Wishing you a very pleasant passage down the coast, I am, with great respect, your obedient servant,

E. A. HITCHCOCK,
Brevet Brigadier General Commanding.

Hon. J. R. BARTLETT,
U. S. Commissioner, &c., &c.

—
HEADQUARTERS PACIFIC DIVISION,
Benicia, California, March 27, 1852.

[SPECIAL ORDERS No. 18.]

The commanding officer at the mission of San Diego will furnish to the Hon. J. R. Bartlett, U. S. commissioner for running the boundary line between the United States and Mexico, on his application therefor, such an escort as will be sufficient to accompany him to Fort Yuma.

The commanding officer at Fort Yuma will provide the commissioner a suitable escort to the Pimos villages, to be commanded by an officer, to whom instructions will be given to make, on his return to Fort Yuma, a detailed report of the character of the country passed over, describing its general features, its timber, water, products, Indians, &c., and its capabilities for supplying a military post near the Pimos villages.

By order of General Hitchcock.

E. D. TOWNSEND,
Assistant Adjutant General.

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MEXICAN BOUNDARY COMMISSION,
San Diego, California, May 5, 1852.

COLONEL: Enclosed I send for your perusal an order from General Hitchcock for an escort to accompany the boundary commission to Fort Yuma, on the Colorado.

In accordance with the same, I have to request that you will furnish me with ten men—six to go with my cattle, which I shall send a few days in advance, and four to accompany me; or a larger number, if in your judgment it be necessary.

I am, very respectfully, your obedient servant,

JOHN R. BARTLETT,
Commissioner.

Colonel MAGRUDER,
Commanding at San Diego.

MISSION OF SAN DIEGO,
May 9, 1852.

DEAR SIR: I have the honor to acknowledge the receipt of your communication calling for an escort of six men to protect the cattle of the commission to Camp Yuma, (afterwards changed to four,) and to state that they were despatched with them this morning, when your agent reported that he was ready.

The other six asked for will be furnished as soon as required by you. I request, however, that I may be informed a day or two in advance, at what precise time they will be wanted, as the preparation for transportation necessary for their rations, &c., might otherwise cause you delay.

I am, sir, with high respect, your most obedient servant,
J. B. MAGRUDER,
Bvt. Lieut. Col., Capt. 1st Art., Com'g Post.

HON. J. R. BARTLETT,
U. S. Boundary Commissioner, near San Diego, Cal.

UNITED STATES BOUNDARY COMMISSION,
Camp Yuma, Colorado River, June 11, 1852.

SIR: Enclosed I have the honor to transmit to you "special order" No. 18, from General Hitchcock, to furnish the United States boundary commission under my charge with a suitable escort to the Pimos villages.

I should hardly deem an escort necessary at this time, were it not that the engineers engaged on that portion of the Gila yet to be surveyed will necessarily be in small parties, and often miles apart. I think that a force of about 25 men will be amply sufficient to perform the duty required.

With high respect, I am your obedient servant,
JOHN R. BARTLETT,
Commissioner

Major S. P. HEINTZELMAN,
Commanding at Fort Yuma.

HEADQUARTERS, CAMP YUMA, CAL.,
June 11, 1852.

SIR: In reply to your letter of yesterday, I have the honor to state that Lieut. Geo. H. Page, second infantry, will report to you with an escort of two non-commissioned officers and 25 men, to accompany the commission as far as the Pimos villages.

I have the honor to be, sir, very respectfully, your obedient servant,
S. P. HEINTZELMAN,
Captain Second Infantry, Brevet Major.

HON. JOHN R. BARTLETT,
United States Commissioner.

MEXICAN BOUNDARY COMMISSION, CAMP YUMA,

June 12, 1852.

SIR: In conformity with instructions just received from the Department of the Interior, I have to inform you that "all officers, civil and military, attached to the boundary commission, will be furnished by the quartermaster and commissary with the necessary quarters and subsistence; but that no commutation of personal expenses will be allowed them for any period during which they are provided."

When such officer is engaged on a service where his quarters, transportation and subsistence cannot be furnished by the commission, the department will reserve a discretion to allow commutation or not.

I deem it my duty to apprise you of the instructions from the department at the earliest moment, that you may govern yourself accordingly; and, as you have already provided yourself with subsistence from your private funds for the journey to El Paso, I will recommend the department to allow you for said journey the commutation hereafter allowed.

I am, very respectfully, yours,

JOHN R. BARTLETT,
Commissioner.

Lieut. A. W. WHIPPLE,
Assistant Astr., U. S. B. C., Camp Yuma.

CAMP YUMA, June 13, 1852.

SIR: In consequence of the death of Brevet Lieutenant Colonel L. S. Craig, late commander of the boundary line escort, the immediate direction of the men devolves on Sergeant Quin until the next superior officer is reached.

You having been designated by Major Heintzelman as the commander of the additional escort granted to me by General Hitchcock, I have to request you, as the superior military officer in command, to take the direction and control of the late Colonel's non-commissioned officers and men, with same manner as if your own, so long as you occupy the position which you now hold.

I am yours, very respectfully,

JOHN R. BARTLETT,
Commissioner.

Lieut. GEO. H. PAGE,
Second Infantry, commanding escort U. S. B. C.

CAMP U. S. BOUNDARY COMMISSION,

Rio Gila, June 20, 1852.

SIR: For the preservation of the health of the commission, I deem it necessary that such of its members, and of the escort, not absolutely required for the protection of the surveying party under the command of Lieutenant Whipple, should proceed without delay to the Pimos villages, where there is an abundance of vegetables, so necessary in this

region, where the scurvy is so prevalent, and which has already shown itself in our party.

The preservation of the animals, on which the success of the survey and the lives of the officers and men so much depend, also requires that all not necessary for carrying on the survey should reach a point where good grass may be found, which exists at or near the Pimos villages.

Under these circumstances, I have decided to proceed at once to the Pimos villages, and there await the arrival of Lieutenant Whipple and his party; and with this view, as the five men remaining of the late Colonel Craig's command are not required on the survey, I have to request that they, being now under your command, may accompany me.

Whatever escort is deemed necessary by Lieutenant Whipple and yourself you will please furnish him, and with the remainder accompany me to the Pimos villages.

I am, very respectfully, your obedient servant,

JOHN R. BARTLETT,

Commissioner.

GEORGE W. PAGE,

Commanding Escort U. S. B. C.

CAMP OF THE BOUNDARY COMMISSION,

Maricopa Village, July 1, 1852.

SIR: I address you at this time for the purpose of correcting an error in your communication to me of the 15th May, transmitting a report of your survey of the Rio Gila. I would have done it at the time your letter was received, but was prevented by illness until after you had left San Diego.

After speaking of the operations of Mr. Salazar, the Mexican commissioner, and yourself, from the "initial point," on the Rio Grande, to station 12, one and a quarter degree west, you observe that "the arrival of Mr. Gray, then surveyor, caused on our part a suspension of the work at this point." Of the incorrectness of the above assertion you must be aware, knowing that the survey was stopped *by your leaving the line, and not returning for a month or more.* The first intimation I had relative to the matter, was by a note from yourself, wherein you stated that you had been ordered to report yourself to Colonel Graham in person at Frontera, near El Paso, and should leave forthwith. At the same time you resigned your place as acting chief astronomer, and left the line, thereby suspending the survey on the part of the United States, although acting under a resolution of the joint commission. Of the impropriety of this whole proceeding I will not now speak.

General Condé immediately addressed me a note, protesting against your course in leaving the survey without notice being sent him by the United States commissioner, and deemed it discourteous, as it certainly was.

A copy of this protest he sent to the Mexican government, and I deemed it my duty to forward a copy of the same to the Secretary of

the Interior, apprizing that officer of the state of the case, and of the singular proceeding of Lieutenant Colonel Graham in the matter. My letter transmitting General Condé's protest was forwarded to Washington two weeks *before the arrival of Mr. Gray at the Copper Mines*, as you must be aware. I will furthermore state that this suspension took place a month before Mr. Gray had presented his objections to the initial point.

In your communication to me at San Diego, it does not appear to me that it was necessary to allude to the stopping of the survey of the line connecting the Rio Grande with the Gila; but having done so, it is proper that the circumstances in the case should be correctly stated.

I am, respectfully, your obedient servant,

JOHN R. BARTLETT,

Commissioner.

Lieut. A. W. WHIPPLE,

Assistant Astronomer, &c.

HEADQUARTERS ESCORT TO COMMISSION,

Near Coco, Maricopa Village, July 7, 1852.

SIR: Having completed the duties with which I was intrusted upon the survey of the Rio Gila, I have the honor to report myself ready, with a party of the commission and the small remnant of the escort which, by the death of the lamented Colonel Craig, fell under my direction, to accompany you whenever it may suit your convenience.

Of this escort there remain but one sergeant, two corporals, and two privates. It is hoped that, in connexion with those employed by you in the service of the commission, these few men will enable us to pass through the Apache country to the Rio Grande in safety.

I am, sir, very respectfully, your obedient servant,

A. W. WHIPPLE,

Lieutenant U. S. Topographical Engineers,

In temporary command of a portion of Escort to U. S. B. C.

HON. JOHN R. BARTLETT,

U. S. Boundary Com., &c., &c., present.

MARICOPA VILLAGE, July 9, 1852.

SIR: The duplicate notes referred to in my last report of the 6th instant are herewith respectfully submitted for your approval, and for transmission to the Department of the Interior for safe-keeping.

The duplication occupied more time than I anticipated. I shall have the honor to report to you in person to-morrow.

I am, sir, very respectfully, your obedient servant,

A. W. WHIPPLE,

1st Lieutenant U. S. Top. Engineers,

Astronomer U. S. Boundary Survey.

HON. JOHN R. BARTLETT,

Commissioner U. S. and M. Boundary Survey,

Pimos Village, Sonora, Mexico.

BOUNDARY COMMISSION

Pimos Village, July 9, 1852.

SIR: I received your letter of the 7th instant just as I was retiring on the evening of that day, and yesterday morning left for this place.

You now report yourself ready, with a party of the commission and the small remnant of the escort, which, "by the death of the lamented Colonel Craig," you say fall under your direction, to accompany me when it may suit my convenience.

I am not a little surprised that you should address me this note, still asserting your direction of my escort, when I told you verbally, in presence of several gentlemen of the commission, that I should acknowledge no such assumption as you then claimed, as the successor of the late Colonel Craig, in commanding the escort; and that if you persisted in it, I should prefer charges against you to the Department of the Interior. My letter of the 1st instant has already made you acquainted with the fact.

I cannot condescend to make an application to a subordinate, whom I only know as one of the assistant astronomers in the commission, for permission to have the escort detailed for me by the general-in-chief, and which you yourself acknowledge to be the escort to the commission.

I am yours, respectfully,

JOHN R. BARTLETT,

Commissioner.

Lieut. A. W. WHIPPLE,

Top. Eng., Asst. Astronomer B. C.

CAMP RIO GILA, NORTH END TUCSON JORDANA,

July 13, 1852.

SIR: I hereby acknowledge the receipt, this morning, of your communications—two dated July 1st, one July 9th, 1852—all enclosed in the same envelope.

As I presume the charges you refer to left the Pimos village in your mail of the 10th instant, via San Diego, for Washington, and the various subjects embraced in your letters will soon be before those appointed to investigate and judge my conduct, it is already too late to avail anything by a reply.

I hope that you have laid all the facts of the case clearly before the department.

The difference of opinion between us can be regretted by no one more than by myself. During the existence of this temporary command, I shall do all legitimately in my power to facilitate your operations.

I am, sir, very respectfully, your obedient servant,

A. W. WHIPPLE,

Lieut. U. S. Top. Eng'rs, Astr., &c.

HON. JOHN R. BARTLETT,

United States Commissioner.

UNITED STATES BOUNDARY COMMISSION,
In camp at Janos, August 8, 1852.

SIR: I was yesterday informed by several citizens of the United States, that two horses owned by an emigrating party to which they belonged are in possession of a Mexican in Janos, who refused to deliver them up. These animals, I am told, had strayed away when their owners left, and they directed those who remained to recover them if possible. They now wish to join their party, and, unless they have these horses, must go on foot.

By the treaty of Guadalupe Hidalgo, it is expressly stipulated that the animals stolen by Indians from the Mexicans shall be restored by the United States government to their owners, and demands are now made by the government of Mexico on the United States for indemnification for these losses. The Mexican government is, of course, obligated to do all in its power to reciprocate and recover for the citizens of the United States, animals lost by its citizens.

The present is a case still stronger than that of loss through Indians, as these animals are known to have been lost here, are easily identified by those of the party now here, and this is the only chance of returning them to their rightful owners. The case is, therefore, so plain, that I have no doubt, with your enlarged views and high sense of duty, you will immediately order the delivery of the two horses referred to to their owners, now at Janos.

In passing your town with the United States commission under my command, I was desirous to pay my respects to you in person, and regret that when I called yesterday I had not the honor of meeting you.

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

-Colonel MEDINA,
Commanding at Janos, State of Chihuahua.

UNITED STATES BOUNDARY COMMISSION,
El Paso, August 18, 1852.

SIR: It gives me pleasure to acquaint you with my arrival here last evening, with several gentlemen of the commission, and accompanied by the party of Lieutenant Whipple, recently engaged in the survey of the Rio Gila. The survey of that portion of the river which forms the boundary between the United States and Mexico was completed on the 1st of July.

I found your letter of June 1st here, apprizing me of the progress made in the survey of the Rio Grande, which is very satisfactory; also of other transactions necessary to carry on the work and maintain the credit of the commission; all of which meets my approval.

It has been to me a source of great anxiety that I found myself unable to return to El Paso and the field of operations at an earlier day. To return with a small party was, in a country infested by hos-

tile Indians, too hazardous. I was, therefore, compelled to await the return of the surveying party.

With reference to supplying heads of surveying parties with funds to carry on their work, I think it proper, and when I join you, will endeavor to effect the object proposed.

Any changes you have made in the heads of surveying parties will meet my approval. My only desire is to have able and efficient men in these responsible places; and if those heretofore appointed are incompetent, they must be removed, and others suitably qualified to do the work put in their places.

I regret to learn that you have not been furnished with information as to the extent of the work on the line running west, from the initial point on the Rio Grande, at $32^{\circ} 22'$. I have received no official report from Lieutenant Whipple on the subject. The work was suspended in consequence of the withdrawal of that officer by your predecessor.

From a communication made to me by Lieutenant Whipple, in San Diego, on the 15th May last, I incidentally learned that the line referred to was surveyed one geographical degree west.

I sent an express to Mr. Radzimirski, this morning, apprizing him of my arrival, and requested him to repair to this place as soon as possible. When he reaches me, we will confer together as to the work to be done on the line referred to.

For an escort for the party to be engaged on that survey, I have already made arrangements with Lieutenant Green. It appears to me that the party engaged in the survey of the Rio Grande, being now in or near a district infested by large numbers of hostile Indians, should be provided with a strong escort, and an efficient commanding officer. I have therefore requested Lieutenant Green, in whose efficiency I have the utmost confidence, to take command of that party in the present exigency.

Your estimate of the expenses of the commission for the year beginning January 1st, 1852, I have not received. After remaining here long enough to settle all claims against the commission, in making up my vouchers and accounts, and to organize and fit out the party for the completion of the line connecting the rivers Del Norte and Gila, I shall proceed with all haste to join you at Presidio del Norte, or at such place as you may then occupy as your quarters. A month will be necessary to accomplish this and recruit our worn-out animals.

I am, very respectfully, your obedient servant,

JOHN R. BARTLETT,
Commissioner.

Major W. H. EMORY,
Chief Astronomer and Surveyor U. S. B. C.

UNITED STATES BOUNDARY COMMISSION,
El Paso, August 18, 1852.

SIR: I have to inform you of my return to this place from California this morning, accompanied by the party who have been engaged in the survey of the Rio Gila.

It is also my most painful duty to apprize you of the death of your excellent commanding officer, Lieut. Colonel Craig, who was killed by two deserters from Fort Yuma on the 6th day of June last. The full particulars of this lamentable event, which has deprived the commission of its efficient commander of the escort, and the army of one of its most gallant officers, I will make known to you whenever you will call on me, by showing you copies of my official letters to the Secretary of the Interior.

But five of the men who formed the original escort of twenty-five have returned with me, the remainder having deserted in California; and it gives me great satisfaction to report to you the excellent conduct of these men, and particularly of Sergeant Quinn, in the arduous duty in which they have been engaged.

I have furthermore to state that Lieutenant A. W. Whipple, of the topographical engineers, who was assigned to the commission, on special duty, as one of the assistant astronomers, forcibly took my escort from me, after the death of Col. Craig, and compelled Sergeant Quinn to disobey my orders when I requested him to rejoin me on the Gila and accompany me to the Pimos Villages. I have in consequence been deprived of my escort ever since. Believing that Lieutenant W. had no authority or law for this assumption of power, I felt it my duty to make a complaint against him to the Department of the Interior.

With regard to an escort for the future, I shall require the following:

1st. One for the party who will be engaged in completing the survey of the southern boundary of New Mexico, from a point near Cooke's springs to the junction of the line with the Gila: of the force required for this duty you are better enabled to judge than I am.

2d. A small detachment to accompany me to the Presidio del Norte.

3d. As the party now engaged in the survey of the Rio Grande is in a region infested by large and hostile bands of Indians, the largest force will be required there. It therefore appears to me most judicious, as the officer in command should be one of activity and energy, that you, the only commissioned officer, and now commander of the escort, should remain with that detachment during the present exigency.

I am, very respectfully, your obedient servant,

JOHN R. BARTLETT,

Commissioner.

Lieutenant DUFF C. GREEN,

Third Infantry, com'g Escort U. S. B. C., El Paso.

UNITED STATES BOUNDARY COMMISSION,

El Paso, August 19, 1852.

SIR: Your letter of the 1st instant was handed me a few moments since, and after I had written to you at length.

I will endeavor to be in Eagle Pass at the time you propose discharging the two parties mentioned, when I will be prepared to pay them off. I brought no assistants with me from California except Mr. Seaton. Lieutenant Whipple has with him, as assistants, Messrs. Wheaton, Pratt, and Force, and Messrs. Campbell and O'Donoghue,

computers. All others connected with the surveying parties were discharged. You remark that you are embarrassed with too many assistants; I therefore authorize you to discharge, at once, any that you do not require, as it is my desire to reduce the commission to the lowest possible limit consistent with the duties to be performed.

I am, very respectfully, your obedient servant,

JOHN R. BARTLETT,

Commissioner.

Major. W. H. EMORY;

Chief Astronomer and Surveyor U. S. B. C.

EL PASO, TEXAS, *August 19, 1852.*

SIR: On our arrival at this place yesterday, the escort and the public property in possession of Colonel Craig at the time of his death, upon the desert of the Rio Colorado, were turned over to Lieutenant Duff C. Green, commanding company.

Not yet having been relieved from duty on this commission, I therefore, with a portion of the party which accompanied me from San Diego, California, await instructions.

Very respectfully, your obedient servant,

A. W. WHIPPLE,

First Lieutenant U. S. Top. Engineers.

Hon. J. R. BARTLETT,

U. S. Boundary Commissioner, El Paso, Texas.

MAGOFFINSVILLE, (NEAR EL PASO,) TEXAS,

August 20, 1852.

SIR: Enclosed is a copy of instructions just received from Major Emory, principal astronomer, surveyor, &c., United States boundary commission. I should be glad of a communication from you upon the subject, at your earliest convenience.

Very respectfully, your obedient servant,

A. W. WHIPPLE,

First Lieutenant U. S. Top. Engineers.

Hon. JOHN R. BARTLETT,

U. S. Boundary Commissioner.

UNITED STATES BOUNDARY COMMISSION,

El Paso, August 20, 1852.

SIR: I have just received your note of this date, enclosing a copy of Major Emory's instructions to you in reference to the completion of any work that may remain unfinished west of the Rio del Norte, of which you may have any knowledge.

This letter appears to have been written under the supposition that I would not return here with your party, and that it would be neces-

sary to place funds here to a large amount with Mr. Jacobs. My presence supersedes any such necessity.

There remains nothing to complete but a portion of the line between the Rio Grande and the Gila, which was commenced by yourself.

I fully concur in opinion with Major Emory, in the necessity of completing all unfinished work, and will aid you all in my power in effecting this object, which must be prosecuted to completion, in accordance with the resolutions that were passed by the joint commission. You will therefore present me a programme of such a party as you may require to finish the survey of the line referred to, together with an estimate of the transportation necessary, and the subsistence requisite. I will then lose no time in preparing you to take the field.

I have already made application to Lieutenant Green for a suitable escort for your party, and he has placed twenty men at Fort Fillmore for the purpose, who await your orders.

I am, very respectfully, your obedient servant,

JOHN R. BARTLETT,

Commissioner.

Lieut. A. W. WHIPPLE,

Top. Engineers, Assistant Astronomer U. S. B. C.

EL PASO, TEXAS, *August 21, 1852.*

SIR: In your reply to my note of the 20th inst. you request me to present a programme of such a party as I require to finish the survey of the boundary line west of the Rio Grande, together with an estimate of the transportation necessary, and the subsistence requisite. You will then, you say, lose no time in preparing me for the field.

Your request appears reasonable, and I would gladly comply with it minutely. If you will, however, consider the nature of the country, and the climate in which the service is to be performed, you will perceive the impossibility of making an estimate which should be moderate and economical, and at the same time insure a successful completion of the work. You probably recollect that Mr. Salazar and myself, upon this line, were interrupted in our work for nearly a month by an exceedingly hazy atmosphere. The rainy season, which now prevails, or the Apaches, by stealing our mules, may prove more or less annoying. Under these circumstances I could not place the limit of the duration of this work below from three to six months.

I desire that the strength of the party should depend upon the exigencies of the service which we undertake. In addition to my present assistants, Frank Wheaton and Hugh Campbell, by order of Major Emory, principal assistant Charles Radziminski is to turn over to me Mr. G. G. Garner and Mr. Wm. White. These will complete the number that I require, although I regret to part with the services of second assistant Jno. C. Pratt, whose illness induces his father to take him with himself down the Rio Grande del Norte. With these four assistants I expect to form from two to five parties at different periods of the survey. The number of laborers, cooks, servants, &c., will con-

sequently be variable, in order to conform to these different stages in the progress of the work.

With reference to transportation, I have already one baggage wagon, with six mules, twelve pack-mules, and fourteen riding animals. In conformity with directions from Major Emory, Mr. Radzimirski will turn over to me two wagons, for which will be necessary twelve mules. Should no accident occur, I believe the transportation will then be sufficient.

In regard to subsistence, I would be glad to have placed at my disposal, near the line, provisions for twenty-five men six months, or to have in my hands the means of purchasing to that amount.

I would also request permission to employ one blacksmith, one carpenter, and as many teamsters, laborers, &c., as are necessary for the service of my party. I would desire authority to employ and discharge from service as I deem the public interest to demand, with funds for their payment, and for the purchase of such articles as may be indispensable, proper vouchers being taken for the same.

The above was written intending to avoid the conclusion which follows. It is, to ask that the requisition of Major Emory for \$10,000, to be placed at my disposal, be fulfilled. I believe that sum will cover all the extra expenses attending the completion of the line, and, if favored by fortune, a surplus will be left.

Very respectfully, your obedient servant,

A. W. WHIPPLE,

First Lieutenant U. S. Top. Engineers.

JOHN R. BARTLETT,

U. S. Boundary Commissioner, present.

UNITED STATES BOUNDARY COMMISSION,
El Paso, August 23, 1852.

SIR: I have yours of the 21st relative to the programme and outfit of your party, and regret you cannot give me a full list of the officers and men you require to perform the survey in question. When I requested similar information from Colonel Graham for the several astronomical and surveying parties for the *whole Rio Grande*, he furnished me with it at once in detail. So with Mr. Gray and yourself, for the parties under your charge, for the very work you are now about to finish, as well as for the survey of the Gila.

My duties require me to furnish the Department of the Interior with a list of every party in the field, or on duty in the commission. Hence, before setting out yourself, and before my leaving here, I must know as near as possible the extent of your party, and the expense necessarily attending it. This is furthermore requisite, in order to bring the expenses within the appropriation made by Congress for this service.

I have examined the programme of the several parties organized by Col. Graham, and that of Major Emory, both for the Rio Grande and that intended for the work now to be undertaken by you, from which I make up the following as the party which will be given you to perform the work in question:

Lieut. A. W. Whipple, topographical engineers, chief and in charge.

H. Campbell,

Frank Wheaton,

George G. Garner,

William White, jr.,

} Assistants and computers.

C. A. Gicquel, attendant on instruments, &c.

Edward Fish, do. do.

3 flag-bearers and laborers.

1 blacksmith.

1 cook for self and officers.

1 servant for self and officers.

1 cook for others.

3 teamsters.

4 herders and packers for mules.

This party, embracing twenty persons besides yourself, is a larger one than any now in the field, according to the programme before me, and embraces more than Major Emory deemed necessary in his letter to me. I have no doubt, therefore, that you will be able to perform all the duties required with this party.

I will also provide you with the 12 additional mules asked for, which, with those you now have, will give you 18 wagon mules, 12 pack do., 14 riding do. You will also have three spring wagons. The subsistence you require will be furnished you at this place. I will also pay the officers of the party their salaries to the end of this quarter, September 30, and the laborers, servants, &c., to the end of August. Before I leave, for the pay that may be due them on the completion of the work I will leave funds here. In relation to this, I will advise you hereafter.

Your request to have \$10,000 placed at your disposal cannot be complied with. The suggestion of Major Emory that he had "applied for \$5,000 or \$10,000 to be placed at your disposal," was made, as he says in his instructions to you, "in the absence of all knowledge, official or unofficial," not knowing but you would return without any means for carrying on the work, and thinking that I would not be here to furnish you with whatever might be necessary.

As the work, upon the completion of which you are now about entering, was not left in that state of forwardness which I had reason to believe, from communications heretofore made to me, and as the time which you now suppose will be required to complete the line so greatly exceeds what you heretofore supposed would be requisite, (months having been substituted for weeks,) you will please to furnish me with a particular statement of what has been done, up to the time of the work having been stopped on the line, and what remains now to be done to finish that part of the survey.

I am, very respectfully, your obedient servant,

JOHN R. BARTLETT,

Commissioner.

Lieut. A. W. WHIPPLE,

Top. Engs. and Assistant Astr., U. S. B. C.

U. S. BOUNDARY COMMISSION,
El Paso del Norte, Texas, September 19, 1852.

SIR: I have your favor of the 15th instant, received three days since, requesting me to place at your disposal, in Eagle Pass, twenty thousand dollars, for the purpose of paying off the men and to procure new outfits.

Agreeable to your request, I herein enclose you the amount asked for in my requisitions on the Secretary of the Interior, as follows:

One requisition, dated September 18, for.....	\$12,000
One requisition, same date, for.....	8,000
	20,000

Which amount I have charged to you.

In settling with the officers of the commission, I have to call your attention to my instructions from the Secretary of the Interior of the 4th of November last, fixing their pay, which is as follows:

First assistants	\$1,200
Sub-assistants.....	800

or the same as it then was; and the salaries of the United States surveyors' clerk, and of the quartermaster and commissary clerk, the same as that of the sub-assistants.

I regret to learn by Mr. Salazar, who arrived here a few days since from the Presidio del Norte, that when he left you, on the 29th of August, Lieutenant Green had not arrived. He left here on the 19th, and by him I wrote you at length.

I have been detained here much longer than I expected, many repairs being necessary on our wagons, and few mechanics to make them. Our mules, too, in consequence of the poor feed here, are not yet in a condition to undertake the long journey to Leona. I hope to get off by the 1st of October. Lieutenant Whipple has been delayed from similar causes, but he expects to set out for his field of duty about the same time that I leave.

Mr. Radziminski, principal assistant surveyor, and Messrs. Force and Seaton, sub-assistants, will accompany me. As the two latter have now been attached to the commission for two years, and have performed their duties faithfully, I wish them to continue in the commission while there is work to be performed in the field. I mention this in order that you may be governed in the number of sub-assistants to be discharged in October.

Lieutenant Whipple requested Messrs. Garner and White to join his party, and they have accordingly done so. He has besides them, Mr. Campbell, computer, and Mr. Wheaton, topographer and assistant.

Having no other means of communicating with you, so as to give you the funds you require on the 1st of October, I have engaged Mr. Skillman, the mail contractor, to send a special express with this, which will leave here on the arrival of the mail now due and hourly expected.

I am, very respectfully, your obedient servant,

JOHN R. BARTLETT, *Commissioner.*

Major W. H. EMORY,

U. S. Surveyor, &c., &c., Eagle Pass.

EL PASO DEL NORTE, TEXAS,
October 5, 1852.

SIR: In consequence of the warlike state of the Indians between here and Leona, and being without an escort, I am reluctantly compelled to change my route and go by the way of Chihuahua. I requested Lieutenant Green to leave me a sufficient escort; but on my application for it a few days since, found but four men. By taking the road to Chihuahua, I shall be furnished with an escort of Mexican soldiers, tendered me by Colonel Langberg.

I find that this route will take me far south of Eagle Pass. If it is possible, therefore, for you to meet me at some point lower down the river, I shall be glad, as I am desirous to proceed at once to New York. If it is your intention, as I suppose it to be, to place Mr. Radzinski with a party on the section at the mouth of the Rio Grande, the route I propose taking will be the most accessible one to reach that portion of the river.

I cannot obtain precise information respecting the point where I shall strike the river, or where I shall be nearest to it, but I think it will be Camargo.

I sent an express to you, on the 21st September, enclosing you my requisition on the Secretary of the Interior for twenty thousand dollars, which I hope reached you in season.

I am, very respectfully, your obedient servant,

JOHN R. BARTLETT,

Commissioner.

Major W. H. EMORY,

Chief Astr. and Sur. U. S. and M. B. C., Eagle Pass.

MAGOFFINSVILLE, TEXAS,
September 29, 1852.

SIR: Mr. Wheaton informs me that you will be ready in a few days to take the field, to complete the line commenced by you, from the initial point, at $32^{\circ} 22'$, westward to the Gila. I have therefore to advise you of the following arrangements which I have made for the subsistence and pay of the officers and men composing your party, and of other matters connected with it.

The accompanying list, embracing twenty officers and attendants, will constitute your party. It also designates their position, rate of pay, and to what time they have been paid. The officers have been, or will be, paid one month's pay in advance, if they desire it; all others will be paid to 1st October.

For their future pay, vouchers stating the period employed, and the rate of pay, in accordance with the list furnished and approved by you, will be paid on presentation to J. W. Magoffin, with whom funds will be left for the purpose. No voucher for a period less than one month should be made, unless the person to whom pay is due is taking his discharge. For your subsistence, — pounds of fresh flour are now at your disposal here; also coffee, sugar, soap, candles, pork, &c.; and there are at Fort

Fillmore two other barrels subject to your order. For any additional subsistence which you may require, while engaged on the survey, I have made arrangements with Lieutenant McFarren, commissary of subsistence at Fort Fillmore, who will deliver the same to you on your application.

I regret that there is not a sufficient stock of provisions at Fort Webster to furnish you with your supplies. In November, a train with provisions will leave Fort Fillmore for Fort Webster. If you deem it advisable to have a depot at the latter place in preference to the former, you are at liberty to hire transportation to that place for whatever stores you may require there; in which case, it would be well for your wagons to accompany this train for their protection.

If by any unforeseen accident, or from robberies by the Indians, you should lose any animals, you will supply yourself with others, if necessary, the cost of which will be paid by Mr. Magoffin, on presenting vouchers properly certified by you.

In answer to my request to Lieutenant Green, commander of the escort, to furnish me with an escort, to accompany me to Eagle Pass, and another for you, he informed me that he had left twenty men for you, and ten men for me, at Fort Fillmore; on applying to Colonel Miles for them, I find in all but twenty-four men there. Believing, therefore, that your number should not be diminished, and the four being of no use to me, I leave the whole number subject to your order.

With respect to the monuments—the joint commission having decided to place three permanent ones on the line connecting the Rio Grande and the Gila, in addition to the two at and near the initial point, on the Rio Grande—you will mark the destined locations in such a manner that the officer to be charged with erecting them may find the places without difficulty. They are as follows:

1. At the point where the line crosses the road running from the Copper Mines to Janos.
2. The western termination of the southern boundary of New Mexico.
3. The point where the western boundary of New Mexico, running north from the southern boundary, strikes the river Gila.

In addition to the above, you will erect heaps or mounds of stone, in such prominent places on the line as will afford facilities for so doing.

To guide you in your plan of operations, I have only to call your attention to the mode agreed upon by the joint commission, at Doña Ana, when the initial point was marked—being that proposed by Mr. Salazar and yourself. It was, to measure the chord of the arc of the three degrees in the parallel of $32^{\circ} 22'$ north latitude, "and at certain points upon it, distances upon the meridional arcs be laid off to the line of boundary. The longitude of these various points, in verification of the measurement, may be deduced from that of the initial point by flashes, or other available means."

"The final determination of the western limit of the parallel, as obtained by the method proposed, should be verified by an elaborate series of observations for latitude. A test for the difference in longitude, from the initial point, should, if possible, be obtained, by noting, at each

point, the local time of signal flashes; otherwise a series of astronomical and lunar observations becomes necessary."

Having now provided you with subsistence, transportation, and the means of procuring more, and provided for the future pay of your party, I place, in addition, \$500 in cash in your hands to meet any contingencies.

I enclose a memorandum of instructions, which I have given to Mr. Magoffin, relative to payment for liabilities to be incurred by you.

I am, very respectfully, your obedient servant,

JOHN R. BARTLETT,

Commissioner.

Lieut. A. W. WHIPPLE,

Topographical Engineers, Asst. Astr. U. S. B. C.

MAGOFFINSVILLE, TEXAS,

October 1, 1852.

SIR: A party of engineers, under Lieutenant A. W. Whipple, will leave here in a few days to complete a survey of the line between the Rio Grande and the Gila; and, agreeable to my understanding with you, I wish you to pay the obligations of the commission incurred in the survey mentioned, for which, as commissioner and disbursing agent, I will hold myself responsible.

The following embrace the liabilities to be incurred, and may be paid, when their correctness is certified to, by Lieutenant Whipple:

The vouchers of Lieutenant McFarren, for subsistence.

The vouchers for the pay of Lieutenant Whipple's party.

The vouchers for forage for animals.

Lieutenant Whipple has been furnished with the animals and wagons required; but accident, or robberies by Indians, may render it necessary to have more. In this event you will please furnish him with the animals he requires; or, should he find it necessary to get them elsewhere, to pay his vouchers for the same, properly certified.

On the return of Lieutenant Whipple, he will require facilities to transport him to the lower Rio Grande, or to Washington. In this case you will furnish him with what may be necessary to subsist and transport him and his party. It is probable, however, that before he returns I shall send you further instructions on the subject.

I will not be responsible for any debts or liabilities incurred by any members of the commission, except those the correctness of which is certified by Lieutenant Whipple.

The vouchers, so paid by you, may be sent to the Secretary of the Interior, Washington, for me, and, on their receipt, the amount shall be paid to your order.

In case I am not there, I will so arrange it that there shall be no delay in the payment.

I am, very respectfully, your obedient servant,

JOHN R. BARTLETT,

Commissioner.

J. W. MAGOFFIN, Esq.,

Magoffinsville, Texas.

U. S. BOUNDARY COMMISSION,

El Paso del Norte, October 1, 1852.

SIR: A few days since I applied personally to Colonel Miles for the ten men which you informed me you had left at Fort Fillmore, subject to my order, to escort me and my party to Eagle Pass; when, much to my disappointment, I found but twenty-four men there. Of these you are aware that twenty are for Lieutenant Whipple's escort, leaving, therefore, but four for me.

To undertake the journey before me with so small an escort, I consider unsafe; and was advised, both by Colonel Miles and Major Steen, not to attempt it with so few men. I therefore left the whole for Lieutenant Whipple, and shall take an escort of Mexican soldiers, tendered to me by Colonel Langberg, and go by way of Chihuahua.

I am, very respectfully,

JOHN R. BARTLETT,

Commissioner.

Lieut. DUFF C. GREEN,

Commanding Escort of the Boundary Commission.

RINGGOLD BARRACKS,

Texas, December 21, 1852.

SIR: I have received your letter of yesterday informing me that my drafts sent to you from El Paso, as well as those drawn by you, under authority of the Secretary of the Interior, were all protested, and that this, with other circumstances, had caused you, in effect, to stop operations about the 5th November.

In reply to your request to be furnished with the money to pay the employes what is due to them from the commission, agreeable to the list enclosed to me, and to meet other liabilities incurred by you, in carrying on the survey, amounting to \$43,439, I am compelled to say that I have no funds, nor is it in my power to procure them. On my arrival here, on the evening of the 20th, from El Paso, I received a despatch from the Secretary of the Interior, informing me that, in consequence of a proviso appended to the appropriation to defray the expenses of the commission, the money could not be used.

In this unpleasant state of affairs, without funds, and prevented by an act of Congress from using the moneys appropriated for this service, I desire your opinion as to the most judicious and economical steps to be taken to relieve the employes and preserve the property of the commission. To proceed further with the survey, without the power of raising funds, is clearly, in my opinion, impossible.

Your views on this subject will also be acceptable.

I am, very respectfully, your obedient servant,

JOHN R. BARTLETT,

Commissioner.

Major W. H. EMORY,

Chief Astronomer and Surveyor, U. S. B. C.

RINGGOLD BARRACKS,

Texas, December 23, 1852.

SIR: I fully concur with you in the opinion expressed in your letter of yesterday as to the disposition to be made of such of the property of the commission as will not be required when the survey shall have been resumed. The very low price of animals and wagons at this place, or others on the river, would cause too great a sacrifice to make the sale here. I think, therefore, that they should be sent to San Antonio, as you suggest, where their sale will realize a much larger amount. Moreover, the grazing country near San Antonio is the only accessible region where the mules, which it may be desirable to retain, can be kept in good condition and at little expense. I concur, and consequently have to request that you will order the quartermaster at Eagle Pass to proceed at once with the wagons and animals which are there, to San Antonio, accompanied by the assistants and men who have been under your charge, and there await my orders.

The instruments may, I think, with safety be stored at the military posts nearest where the surveying parties may be at the time, and where they will be accessible for future operations. The provisions, being fresh and of a superior quality, I think had better be retained a few weeks where they are at present, when, if no order is received by which we are enabled to resume the survey, they can be turned over to any quartermaster and commissary, as you suggest.

I am, very respectfully, your obedient servant,

JOHN R. BARTLETT, *Commissioner.*

Major W. H. EMORY,

Chief Astronomer and Surveyor.

RINGGOLD BARRACKS, (OPPOSITE CAMARGO,) TEXAS,

December 24, 1852.

DEAR SIR: Congress having appended a proviso to the appropriation of \$120,000 to defray the expenses of the commission for the present fiscal year, the President has decided that, with this proviso, the money cannot be used, and I have been directed to make no more drafts. It is believed by the Secretary that it was not intended to stop the work; nevertheless, there is no other alternative. My requisitions in your favor, I am informed, are not paid, which mortifies me exceedingly; still I hope that ere this the restriction has been removed.

I have ordered Lieutenant Whipple to disband his party and return, and wish you to furnish him and his four assistants the means to return by the mail route to San Antonio, for which I will hold myself responsible in case there are not sufficient funds already in your hands. I think \$125 will be sufficient for each, with their transportation to San Antonio.

I will write you at length in a few days, which I think will reach you as soon as this.

I am, very truly, yours,

JOHN R. BARTLETT,

Commissioner.

J. W. MAGOFFIN, Esq., *El Paso.*

UNITED STATES AND MEXICAN BOUNDARY COMMISSION,
Ringgold Barracks, Texas, December 24, 1852.

SIR: Being compelled to disband the boundary commission, I have to request that you will leave the property of the commission, for which you are responsible to me, with J. W. Magoffin, esq., subject to my order. Major Emory, chief astronomer and surveyor, will instruct you as to future proceedings of your party. I have directed Mr. Magoffin to furnish you with the means to return home, from the funds left with him to defray the expenses of your party.

I am yours, very respectfully,

JOHN R. BARTLETT,

Commissioner.

Lieut. A. W. WHIPPLE,

Corps Topographical Engineers.

MEXICAN BOUNDARY COMMISSION,
Ringgold Barracks, Texas, December 25, 1852.

SIR: The proviso appended to a late act of Congress deprives me of the use of the appropriation made to defray the expenses of the boundary commission, and compels me very reluctantly to abandon the survey, discharge most of the officers and men of the commission, and sell a considerable portion of its property.

My object is to save the government as much as possible by realizing the largest sum for our mules, wagons, and such other property as will not again be required; and as there is no demand for this description of property here, it becomes necessary to send it to a better market.

With this view, you will proceed with the mules and wagons, turned over to you by Major Emory and myself, to San Antonio, where you will receive others from Mr. T. W. Tansill, quartermaster and commissary, together with other property. You will then select and reserve thirteen of the best wagons and one hundred mules, with harness and other necessaries to make the teams complete, such as ropes, chains, water-kegs, axes, spades, &c. You will also reserve the pack-saddles, riding-saddles and bridles, tents, and the best of the cooking utensils and mess furniture. In case the quartermaster at Corpus Christi will receive three wagons and teams, and hold them for the commission, you will leave them and discharge the three teamsters with them. It is impossible for me to designate, with precision, what you are to sell and what to retain. Another party being expected to resume work on the line, you will, in addition to what I have mentioned, keep such articles as will be required for it to take the field.

The remainder of the property you will cause to be sold at public auction in San Antonio, after giving two weeks' notice of the sale. The proceeds of the property you will appropriate towards paying the men in the employ of the commission, as follows: To the officers, sufficient to defray their expenses to their homes by the most direct and economical routes, say from \$100 to \$125 each, which you will charge them in account, and request them to send me at Washington a bill of their ex-

penses in duplicate, when I will allow them the same in the settlement of their accounts. You will give notice that their services are no longer required, to all who are not directed by Major Emory to report to him in Washington. You will also notify them that as soon as the money already appropriated to defray the expenses of the commission is placed at my disposal, the amount due them will be paid.

All others you will discharge, dividing among them the balance of the money received by you for the sale of the property, and for the balance due (for the proceeds of the sale will not pay their demands in full) you will give them a certificate, payable when the commission is in funds. You will keep a list of the certificates so given, and the address of the parties holding them, in order that I may transmit them the funds as soon as I have the power to do so. The small demands it will be better to pay in full, that the number of certificates given out may be as few as possible.

If you can get some merchant to advance you the money at once, by giving him the sale of the property, you will do so, as there will be a saving to the government to discharge the party immediately on its arrival.

The wagons, camp equipage, and other property reserved, except the animals, you will store in some safe place. The animals you will put on some ranche or farm where there is good grazing, keep men to herd them, and remain yourself in charge of all the property until you receive further orders from me, or circumstances occur which render it necessary for you to leave.

I am, very respectfully, your obedient servant,

JOHN R. BARTLETT,

Commissioner.

GEORGE THURBER, Esq.,

Acting Quartermaster and Commissary.

MEXICAN BOUNDARY COMMISSION,
Ringgold Barracks, Texas, December 26, 1852.

SIR: Major Emory having directed you to turn over to me, or my order, the property of the commission in your hands, you will deliver the same to George Thurber, taking his receipt therefor. You will also turn over all the men connected with your department, accompanied by a statement of the pay due to them. Having done this, you will repair to Washington, there to settle your accounts.

I am, very respectfully, your obedient servant,

JOHN R. BARTLETT,

Commissioner.

T. W. TANSILL, Esq.,

Quartermaster and Commissary U. S. B. C.

CORPUS CHRISTI, TEXAS,
January 2, 1853.

SIR: You will please turn over to my agent, Mr. George Thurber, all the public property of the boundary commission, now in your possession, left with you by Major Emory.

I am, very respectfully, your obedient servant,

JOHN R. BARTLETT,

Commissioner.

Mr. GEORGE C. GARDNER.

RINGGOLD BARRACKS, TEXAS,
December 26, 1852.

SIR: The provisions brought out by you for the boundary commission, you will store, for the present, at Brownsville, except the portion on its way here. From these you will return those borrowed of Lieutenant Palfrey, acting commissary of subsistence, for the use of the commission, and leave with him the remainder, taking his receipt therefor, to be returned to the authorized officer of the commission, when required. Those at Brownsville you will make arrangements to leave, in the same manner, with the commissary there.

For the money due for the salvage on the provisions wrecked, amounting to \$600 or \$700, you will give the claimant an order on me—to be paid when the appropriation made by Congress for the commission can be used—directing him to send to me, at Washington, duplicate vouchers for the same, properly attested.

You will proceed to San Antonio and settle with the persons to whom the commission is indebted for provisions furnished you for the commission, and for other claims. When these duties are performed you will repair to Washington and report yourself to the Secretary of the Interior.

Yours, &c.,

JOHN R. BARTLETT,

Commissioner.

GEORGE F. BARTLETT, Esq.

CORPUS CHRISTI, TEXAS,
January 2, 1853.

SIR: You will receive from Mr. George C. Gardner the public property belonging to the boundary commission left by Major Emory. This you will take with you, with the property you now have, to San Antonio, agreeable to my former instructions.

I learn here that the United States quartermaster at San Antonio, Colonel Tompkins, is purchasing mules and wagons. I therefore recommend that a tender be made to him to purchase all the property that is to be sold, or such as he may desire, at a valuation to be made by you on the part of the commission, the quartermaster, and a third

party—or three other disinterested persons. Such an arrangement I believe will be approved by the Secretary of the Interior, and will realize a larger sum than by public sale.

I leave three wagons and teams here for you, together with three teamsters. Accompanying this is a pay-roll of the employés of the commission, turned over to me by Major Emory.

I send you also, to be sold, my carriage and two mules; also the small caratella and two mules, being a portion of the property to be sold. The rifles received at El Paso belong to the ordnance department. These you will turn over to Mr. Tansill.

I am, very respectfully, your obedient servant,

JOHN R. BARTLETT,
Commissioner.

Mr. GEORGE THURBER.

DECKER'S POINT, TEXAS,
January 7, 1853.

SIR: I perceive, by the newspapers, that on the 15th December a bill passed the Senate removing the restriction from the appropriation for the boundary commission, as far as it related to the survey of the Rio Grande; and also on account of expenses incurred previous to the last session. This will now allow me the use of the funds for carrying on and completing the survey of the lower Rio Grande.

I give you this notice, so that you may—if you think it advisable, which I do—direct the officer to whom you intend to assign the work above Loredo to remain at San Antonio for further orders, and take such steps, with a view to the immediate resumption of the work, as will be the most economical for the commission, as well as enable you to prosecute the whole work to its completion with the least possible delay.

I shall proceed to Washington, via New Orleans, by the boat this evening.

I am, very respectfully, your obedient servant,

JOHN R. BARTLETT,
Commissioner.

Major W. H. EMORY,
Chief Astronomer and Surveyor U. S. B. C.

SALURIA, TEXAS, January 7, 1853.

SIR: Having read in a newspaper here that Congress passed a bill, on the 15th December, "authorizing the expenditure of so much of the appropriation as will be required to complete the survey of the Rio Grande, and to defray any expenses which may have occurred prior to the last session," I have drawn upon the Secretary of the Interior for two thousand dollars (\$2,000) in your favor, which I herein enclose, to be used by you in paying off the men who are to be discharged at

San Antonio, in conformity with my previous instructions. Should the above sum be insufficient, with the other means at your disposal, you are at liberty to draw on me for the amount required.

Yours, respectfully,

JOHN R. BARTLETT,
Commissioner.

GEORGE THURBER, Esq.,
Acting Quartermaster and Commissary U. S. B. C.

NEW ORLEANS, January 13, 1853.

SIR: Your letter of the 2d instant, relative to Lieutenant Whipple's reports, was received just as I was leaving Corpus Christi. In reply I have to state the following, respecting the reports of that officer:

On my arrival at San Diego, in February, 1852, Lieutenant Whipple informed me that he had made a report of his survey along the Gila to Lieutenant Colonel Graham, having received no official information of the removal of that officer.

While in San Diego, waiting for our broken-down animals to recruit, and to procure a new outfit to complete the survey of the Gila and enable the party to return to El Paso, Lieutenant Whipple suggested, and I accorded with him in opinion, that it was important to duplicate his notes and observations, that a copy might be sent direct to the Secretary of the Interior for safe-keeping. This was accordingly done, and I despatched the transcript in charge of an officer about to return to Washington. Accompanying these note-books and other documents was a brief report, stating what he had done.

I will take the earliest opportunity to comply with your request, and furnish you copies of the reports referred to.

As to the course adopted by Lieutenant Whipple in regard to his reports, it is unnecessary here for me to speak; he will, it is to be hoped, render an explanation satisfactory to you, when called upon.

It neither is, nor has it ever been, my desire to interfere between the head of the astronomical and surveying departments and any of the subordinates, deeming that the latter should report directly to the former, as he should directly to me, and me alone, to enable me at the proper time to submit to the Secretary of the Interior the results of the labor of those departments, as well as an account of all collateral investigations that have been or may hereafter be made under the commission.

I am, very respectfully, your obedient servant,

JOHN R. BARTLETT,
Commissioner.

Major W. H. EMORY,
Chief Astronomer and Surveyor U. S. B. C.

NEW ORLEANS, January 14, 1853.

DEAR SIR: Having received no reply to my telegraphic despatch sent to the Secretary of the Interior three days since, I can wait no longer, but leave this afternoon by the river route for the north.

With regard to your movements, you will, of course, exercise your own judgment, and decide on that which you may deem most advisable for the interests of the commission.

I am, very respectfully, your obedient servant,

JOHN R. BARTLETT,

Commissioner.

Major W. H. EMORY,

Chief Astr. and Surveyor U. S. B. C., New Orleans.

NEW ORLEANS, *January 14, 1853.*

SIR: Yours of the 11th instant is before me. The "modifications of the regulations of the 4th of November, 1851," which you invite me to concur with you in recommending to the honorable Secretary of the Interior for his adoption, involve so many important points, and require so much consideration, that I am unprepared to reply at this time, whilst on my way to Washington, and whilst I am necessarily occupied and constantly interrupted by calls and otherwise.

I shall avail myself of an early opportunity to reply.

I am, very respectfully, your obedient servant,

JOHN R. BARTLETT,

Commissioner.

Major W. H. EMORY,

Chief Astronomer and Surveyor U. S. B. C.

OFFICE OF THE MEXICAN BOUNDARY COMMISSION,

Washington, February 9, 1853.

SIR: As it is necessary that a further appropriation should be made for the expenses of carrying on the survey of the boundary, I have to request that you will furnish me an estimate of the amount requisite to continue and complete that portion running along the Rio Grande, including outfit, pay and subsistence of officers and men, and other items appertaining to your departments, as well as for the office work in Washington in constructing the maps.

If you can furnish a statement of the pay due to members of your parties—I mean those engaged on the survey of the Rio Grande—you will do so.

Please state how much of the survey of the Rio Grande remains to be done, and the time which you deem necessary to complete it.

I am, very respectfully, your obedient servant,

JOHN R. BARTLETT,

Commissioner.

Major W. H. EMORY,

Chief Astronomer and Surveyor M. B. C.

OFFICE U. S. AND MEXICAN BOUNDARY COMMISSION,
Washington, February 10, 1853.

SIR: In your letter of this date, you state that before you can furnish me with the estimate necessary for the prosecution and completion of the surveys of the boundary line between the United States and Mexico, you desire me to put you in possession of Lieut. Whipple's reports, and of his notes forwarded by him to the Department of the Interior, &c., &c., &c.

In answer, I beg to state that I do not see any necessity of being reminded, as I am, of your position as surveyor; and that if I requested estimates only for the Rio Grande, I had in view the interposition of our government against carrying on the work elsewhere.

I must now again request that you furnish me with the estimates asked for in my letter of the 9th, and take pleasure in giving you full authority to take from the Department of the Interior any notes and maps of Lieut. Whipple's surveys. I shall furnish you with his report, if it be not found with the notes, so soon as I have a little more leisure.

I have, at the same time, further to request that you will send me a collection of sketches, drawings, and the sketch-book handed to you by Lieutenant Colonel Graham, being the work of Mr. Vaudricourt and myself.

I am, very respectfully, your obedient servant,

JOHN R. BARTLETT,
Commissioner.

Major W. H. EMORY,
Surveyor, &c., &c.

SIR: The reports of the commissioner and of my predecessors will no doubt have apprized you that the Indians, at various times before my arrival here, had attacked the camp of the commission, and, from the best information that I can collect, succeeded in carrying off some 150 or 200 head of horses and mules.

Since my arrival here, scarcely a day has passed without some depredation being committed on the military, on the citizens, and on the travellers along the line of our operations, and on one occasion, very recent, they attacked one of the commission camps and succeeded in carrying off 18 public animals.

The escort is composed of one lieutenant and 25 infantry soldiers. With every disposition to do its duty, this command is wholly inadequate to begin to do the business of covering the surveying parties whilst operating in the field; and I have been compelled to unite two surveying parties into one, for mutual protection, thus diminishing the progress of the work one-half.

I have therefore to request (in the absence of the commissioner) that two companies of dragoons or mounted rifles may be furnished, as an escort to the work in progress under the treaty with Mexico.

The cavalry in this country is nearly all used up in pursuing Indians; and if my request is complied with, the companies will probably be drawn from Texas.

If so, I desire that Mr. Chandler, assistant boundary commission, who is expected to be in San Antonio early in the spring, may be furnished with means, and instructed to purchase and bring out here fifty mules, there being not more than 30 with the commission, and the depredations of the Indians having produced in this region such a scarcity as to make prices very high. But I recommend that none be sent unless with a strong military escort.

I have the honor to be your obedient servant,

W. H. EMORY,
Brevet Major.

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

[No. 32.]

MEXICAN BOUNDARY COMMISSION,
Ures, State of Sonora, Mexico, December 14, 1851.

SIR: I have the honor, herewith, to transmit to the department a copy of a letter which I have received from Dr. Thomas H. Webb, secretary of this commission, enclosing a copy of a correspondence between Brevet Lieutenant Colonel J. D. Graham, now acting as principal astronomer, &c., in the same commission, and himself.

I have the honor to remain your most obedient servant,

JOHN R. BARTLETT,
Commissioner.

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

SANTA CRUZ, *September 27, 1851.*

SIR: I herewith transmit to you, for such disposition as you may think advisable, a copy of a correspondence between Brevet Lieutenant Colonel J. D. Graham and myself, growing out of an interview which took place between us, on the 25th instant, in the tent jointly occupied by you and me.

This course I deem the more incumbent as you were present on the occasion; and as you are conversant with what transpired, it is unnecessary for me to enter into any details to enable you to decide with how much justice Colonel Graham assumes to be the injured party, and with what propriety he calls on me for redress.

As regards the course by him proposed to "settle the matter," comment from me is superfluous, knowing, as you do, the opinion I entertain, and publicly expressed years ago, relative to such an irrational and worse than savage mode of adjusting difficulties between man and man.

I remain, sir, very respectfully, yours,

THOMAS H. WEBB.

Hon. JOHN R. BARTLETT,
United States Commissioner, &c.

P. S.—You will please to excuse me for addressing you on Mexican foolscap; for as the whole of our supply of stationery, as you know, was injudiciously left at Indianola, instead of being brought up in the train which accompanied you, although transportation had been provided for the purpose, I am compelled, from time to time, to use such paper as I can procure.

T. H. W.

IN CAMP AT SANTA CRUZ,
September 25, 1851.

SIR: After what occurred this morning in Mr. Bartlett's tent, I beg leave to say to you that if you are disposed to settle the matter according to the rules of honor, my friend, Mr. Lawson, who will hand you this, will do me the honor to receive your reply, and to make the proper arrangements with any friend you may select, for as early a meeting as may suit your convenience.

I have the honor to be, very respectfully, your obedient servant,
J. D. GRAHAM.

Dr. THOMAS J. WEBB,
&c., &c., &c., present.

IN QUARTERS AT SANTA CRUZ,
September 26, 1851.

SIR: Your note of yesterday was duly handed to me by your secretary, Mr. Lawson. I deferred replying to it immediately, that I might not again be charged with acting under the influence of passion. Having now enjoyed a night of calm repose, by which I feel greatly refreshed, and for which I am thankful to my Creator, I send you the following answer:

If, in my ignorance of military matters, with which you have frequently taken occasion to charge me, and to which I have always pleaded guilty, I do not err in construing what you mean by the expression "to settle the matter according to the rules of honor," you propose an appeal to what is generally known as the duellist's code; the *ultima ratio* of which is, to take the field and endeavor to blow one another's brains out, or cripple one another for life. If I am correct in my construction, the course which I may now or hereafter adopt in relation to this matter will be regulated by what I may deem my duty to my God, my family, myself, and, at this time, the boundary commission. At present it is sufficient for me to refer to the last. Were I only amenable to the laws and regulations established for the government of the army, I might perhaps, on such an occasion as this, place them at open defiance, with the example now set me by a veteran in the service. Or were I here simply under "instructions from the President of the United States," or the Department of the Interior, I might possibly, for

selfish ends, fling them to the wind or trample them under foot, considering the course proposed by one who professes a sacred regard for instructions, and a rigid and implicit obedience of them. But I am here in accordance with obligations I some time since entered into to discharge certain duties in this commission. The principles of true honor—that honor which every moral, religious, and sensible man in every station of life acknowledges the equity and correctness of—those principles tell me that until I have discharged the duties incumbent on me by my obligations, or am relieved from them, my time is not my own to trifle with, or to use in any manner which may interfere with those duties. Therefore, until such period as above alluded to, I cannot any further entertain the proposition sent me.

I beg leave, however, to say that I shall always be ready to receive any apology which you may be disposed to make for the false accusation repeatedly uttered against me in my tent, at the interview to which you refer.

I am, sir, with all due respect, yours, &c.,

THOMAS H. WEBB.

Brevet Lieut. Col. J. D. GRAHAM,
 &c., &c., &c.

FRONTERA, NEAR EL PASO,
 February 8, 1852.

SIR: I had the honor to enclose you, on the 30th January, a correspondence with Mr. Radzimirski, which explains why my plans were changed, and the course I thought it best to pursue, in consequence of his letter to me.

I send you, to-day, copies of a correspondence with Mr. Henry Jacobs, assistant secretary and clerk of the commissioner, and with Mr. George F. Bartlett, by which, I am grieved to say, it will be seen the commissioner was sick at Ures, November 30, 1851, and directed by his physicians to go to the seacoast. Thence it was proposed to embark for San Diego.

Ures is in Sonora, about one hundred and twenty miles south of the line, and near the Gulf of California; and although I think the attempt worth making, there is much doubt if he can be reached by an express before sailing.

In any event, I see no prospect of obtaining an interview with the commissioner for many months. In the mean time, all the authority in regard to money and means being vested in him, and no provision being made for his absence, I have been compelled to assume some responsibility, or see the large number of persons now under my orders, and the whole work itself, fall into inactivity and disorganization.

I have undertaken and projected no work whatever, except that already projected by the joint commission, and conveyed in a letter of the commissioner to my predecessor, Colonel J. D. Graham, and have incurred no expenses whatever, except the very small sum necessary to give employment to persons already in the pay of the government.

I have written the commissioner, and doubt not he would concur in all I had done; but I see no prospect of communicating with him, in any reasonable time, and therefore request I may be at once informed from Washington what course to pursue.

On the whole line of our present operations there is no law, civil or military. The men of the commission are almost without arms, and until very recently the commission was without credit.

In this state of things, with no powers except implied powers, the Secretary will perceive how precarious my authority is, and how urgent the necessity of my being armed with some authority, in the absence of the commissioner.

I have notified the gentlemen concerned of the new order stopping the commutation allowance for personal expenses, &c., &c., and request that the estimate forwarded through the department to Mr. Bartlett may be altered by striking out the several items estimated for this commutation, amounting to some eight thousand dollars.

It is a source of gratification to me to have anticipated your instructions by prohibiting all persons under my control from drawing on the Secretary of the Interior without permission to do so, and by directing all assistants to give monthly accounts of their work.

I sincerely regret the necessity which compelled me to direct the quartermaster to draw on you for three thousand dollars, and hope it will not embarrass the department or the commissioner. But the necessity was urgent, and I doubt not, when the circumstances become known, the act will be approved by yourself and receive the concurrence of the commissioner.

I have the honor to be your obedient servant,

W. H. EMORY, *Brevet Major, &c.*

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

FRONTERA, NEAR EL PASO,
February 8, 1852.

SIR: I regret sincerely to hear of your illness, and hope it will only be temporary. Other communications will explain that I was on my way in search of you, when stopped by Mr. Radziminski.

The despatches which you will receive by the same conveyance that takes this, will inform you of the various changes made since your absence.

Under these circumstances, not contemplated by the department, and entirely unexpected to me, and in view of the fact that you cannot be expected here for some time, I have addressed the letter of which the enclosed is a copy, to the Secretary of the Interior.

Should you receive this in time to afford the relief asked of the Secretary, I desire you will do so and inform the Secretary of the same.

I am, very respectfully, your obedient servant,

W. H. EMORY, *Brevet Major, &c.*

J. R. BARTLETT, Esq.,
United States Commissioner.

UNITED STATES BOUNDARY COMMISSION,
Magoffin's Rancho, near El Paso, February 5, 1852.

SIR: I have been informed by a party of Mexican traders, who arrived at El Paso a few days ago from Ures, in the State of Sonora, Mexico, that the commissioner and a portion of his party are at that place, detained by sickness. In my instructions from the commissioner, I am directed, should despatches of sufficient importance arrive here from the government, to send them to him, if possible.

Despatches of importance have arrived by the hands of Mr. Radzinski, and I propose to send the commissioner copies of them (deeming it unsafe to send the originals,) and I would like to have your opinion before taking final measures to send them, as to the practicability of the step, and any advice you may be pleased to offer on the subject.

I am, very respectfully, your obedient servant,

HENRY JACOBS,

Assist. Secretary to the Com., U. S. B. C.

Major W. H. EMORY,

Principal Astronomer, &c., &c., U. S. B. C., Frontera.

MR. HART'S MILLS, NEAR EL PASO,
February 5, 1852.

SIR: In answer to your letter of this date, delivered in person, I have to say, it is of much importance that the commissioner should receive the despatches sent here by Mr. Radzinski, and you have my approbation for the expenses that may be incurred in sending an express to him.

The person who brought the information of Mr. Bartlett, states that it was the commissioner's intention to pass from Ures to Guaymas, and thence by sea to California.

It is, in my opinion, practicable to communicate by letter with the commissioner, and I would suggest that the person or persons employed be directed to follow the trail of Mr. Edward Ingraham from Corralitas, as far as it goes on the route to Ures.

At Corralitas Mr. Ingraham abandons his wagon and takes pack-animals.

The road to Ures diverges from the track which I have directed Mr. Ingraham to follow, at or near the crossing of the San Pedro river by the Santa Cruz road.

Any despatches you may think proper to duplicate and send by Mr. Ingraham, he is hereby directed to deliver to the commissioner if he meet him; but it is not in my power to direct Mr. Ingraham to go to Ures or Guaymas.

I am, very respectfully, your obedient servant,

W. H. EMORY,

Brevet Major, &c.

HENRY JACOBS, Esq.,

Assist. Secretary to the Com., U. S. B. C.

MAGOFFINSVILLE, *January, 1852.*

DEAR SIR: Yesterday afternoon Colonel Condé very kindly brought me a letter from my brother, which had been handed him by one of the party of Mexican traders which arrived at El Paso a few days ago from the State of Sonora.

My brother writes from Ures, under date of November 30. About a week after leaving Santa Cruz he was taken sick, and with great difficulty reached that place, and for two months was confined to his bed with typhoid fever. At the time of his writing, he was so weak and prostrated by the disease that he had not strength to walk without assistance, and could only write with a lead pencil. He says he was improving slowly: appetite pretty good, though he is quite helpless. All the party were, or had been, sick.

Brother speaks of having left General Condé sick at Santa Cruz. He had heard from there since, when the whole of the party were down with the fever. The General had sent to Ures for assistance, and a physician, which could not be procured. He was to be removed to Arispe or Ures. I presume the news of his death reached Ures before we heard of it.

The physicians, three in number, who were attending my brother, had forbidden his going with the party to the Gila, and recommended his taking the shortest and most direct route to the coast, which he intended doing as soon as he was able to travel. He says, "We have heard nothing of the parties of Mr. Gray or Lieutenant Whipple since we left them."

The party had been very short of provisions.

Yours, respectfully,

GEO. F. BARTLETT.

Major W. H. EMORY.

P. S.—I have omitted to inform you that my brother wrote that he expected to meet Mr. Radzimirski at San Diego, with despatches from the government.

G. F. B.

FRONTERA, NEAR EL PASO,
February 6, 1852.

DEAR SIR: I this day received your letter, dated Magoffinsville, January, 1852, by the hands of Mr. Radzimirski. I regret very much to hear of the indisposition of the commissioner, and hope the next accounts we receive will give intelligence of his restoration to health.

I have already stated, in a letter to Mr. Jacobs, my opinion of the practicability of sending the despatches to Mr. Bartlett by the way of Urez and Guaymas.

In a postscript to your letter, you state that the commissioner "expected to meet Mr. Radzimirski at San Diego, with despatches from the government." Mr. Radzimirski must be governed by the instructions he received from Washington, and any facility which it is in my power to extend I will cheerfully grant, thinking it of very great im-

portance that the commissioner should receive these despatches as soon as possible.

I am, very respectfully, your obedient servant,

W. H. EMORY,

Brevet Major U. S. A.

GEO. F. BARTLETT, Esq.

Excuse me for calling your attention to the date of your letter.

[No. 35.]

MEXICAN BOUNDARY COMMISSION,

San Diego, California, February 19, 1852.

SIR: In my despatch No. 20, from the Copper Mines, making known the release of three Mexican captives, I stated to the department that I would take the liberty, on some future occasion, to suggest a plan for its consideration, having for its objects the establishing of more pacific relations with the Indian tribes of this region, and the carrying into effect the stipulations of the 11th article of the treaty of Guadalupe Hidalgo, relative to the rescue of captives taken by the Indians and their restoration to liberty.

Since that time, I have crossed the country from the Copper Mines to the San Pedro river, and have traversed the State of Sonora through its entire length, while the surveying parties on service have crossed the country along the boundary line to the junction of the Gila with the Colorado. Besides this, Dr. Webb, secretary of the commission, with the small party which accompanied me to Sonora, traversed the country from Santa Cruz, in a northwesterly direction, via Tucson, to the Pimos and Maricopas villages on the Gila. These several routes, intersecting various parts of Sonora, and passing over the country watered by the Gila, have afforded advantages which give me an opportunity to speak with some degree of confidence of the actual condition of that region in reference to its Indian population, and the depredations committed within the State of Sonora, and to offer suggestions to check the inroads of these people, and more effectually carry out the stipulations contained in the article referred to.

With regard to the State of Chihuahua, my opportunities of forming an opinion on this subject have been less than in respect to that of Sonora. The town of Yanos, and a few villages and ranches on the San Miguel river, all in the northern part of the State, are the only portions which are exposed to the attacks of the Gila Indians.

With the inhabitants here, the Indians, *i. e.* the Apaches, have ostensibly been at peace for the last two years. These Apaches dwell on Lake Guzman and at other places near Yanos during the winter season, receiving at stated periods clothing, blankets, and corn, from the military post at that place. Whether or not they have faithfully fulfilled their agreement with the people of this portion of Chihuahua, I am unable to state. This, however, is certain—that they openly visit Yanos at all times, and consider their families safe when encamped or dwelling in any portion of the district referred to. During the period alluded to, it is true that there have been attacks on parties of Mexicans

between Yanos and the city of Chihuahua—250 miles to the south—and also on small parties of Americans crossing from El Paso, over Cooke's road, to California; but the Copper Mine Apaches deny that any portion of their tribe were the aggressors, or were in any way engaged in it. I questioned the chiefs of this tribe as to an attack made on a party of ten Americans in June, 1851, on the road referred to, when one was killed and several were wounded; and endeavored to induce them to surrender the aggressors, if in their possession. They denied being implicated, and stated that it was the work of a few outcasts or bad men of the Apache tribe, over whom they had no control, and who dwelt among the mountains of Sonora.

The depredations committed by the Indians in the State of Chihuahua are chiefly in its southern portion, lying on the Rio Grande, near the great bend of that river, and including the valuable district known as the *Bolson de Mapimi*. The depredators here are the Comanches and Lipans. Their numbers, particularly of the former, are very large, and the success which has heretofore attended them in their predatory incursions has emboldened them to such an extent, that they now bid defiance to the authorities both of Mexico and the United States. As to the extent of the robberies of these Indians, and of the injuries inflicted on the people of Chihuahua, I cannot speak from personal observation, nor have I any authentic data on which to rely. It is in this district that the State has suffered most by the loss of animals. In the northern part, near the field of operations of the boundary commission, the depredations of the Indians have been unimportant during the last two years.

Much has been said of the depredations of the Indians in the State of Sonora, and of the great extent to which they have been carried. These statements have not been exaggerated. None but those who have visited this State can form any adequate idea of the widespread devastation which has marked the inroads of the savage. Depopulated towns and villages, deserted haciendas and ranches, elegant and spacious churches falling to decay, neglected orchards teeming with fruit, and broad fields once highly cultivated, now overgrown with shrubbery and weeds, show to what an extent the country has been overrun. But it is not only scenes like these that mark the course of the savage. There is scarcely a family in the frontier towns but has suffered the loss of one or more of its members or friends. In some instances whole families have been cut off—the father murdered, the mother and children carried into captivity.

Sonora was formerly celebrated for the large number of mules and cattle which it raised. The hacienda of San Pedro, near the river of that name, possessed 14,000 head of cattle, to the raising of which its proprietor devoted himself. Its crumbling walls alone remain to denote the spot. Babicomori, another hacienda near the San Pedro, possessed a still larger number. It, too, was abandoned six years ago; its herds of cattle were driven off and its orchards and fields reclaimed by nature. But these deserted haciendas and more humble ranches meet the eye of the traveller in every direction. Santa Cruz, one of the most northerly frontier towns, and situated in one of the most beautiful and luxuriant valleys in the State, has diminished in its population from

2,000 to 300 souls. An inroad of the Apaches upon this town in September, 1850, when many lives were lost, and several women and children made captives, occasioned the place to be entirely abandoned. The following year a company of soldiers was sent to protect it, but at the time of my visit in October, 1851, but three hundred of its inhabitants had returned. On my journey south towards Ures, the capital of the State, the inroads of the savage were equally apparent, quite to the capital itself.

In May and June, 1851, I made an excursion into this State in another direction, more to the eastward, by Frontera, Bacuachi, &c., to Arispe, its former capital. Along the whole line of my journey were to be witnessed striking proofs of similar devastations. I visited the ruined ranche and the depopulated village. I heard the melancholy tale of afflicted parents whose children had been torn from them by the Indians; the affecting narrations of others who had lost parents, brothers, sisters, or friends; and it was a source of peculiar gratification to me to be enabled to restore to their parents, at Frontera and Bacuachi, two boys who had long been in captivity.

Sonora, as I before observed, was once celebrated for its large herds of beef cattle, mules, and horses. Scarcely a single large hacienda or herd of cattle now remains. They were mostly in the northern and central parts, which district I may say has been abandoned to the Indians. Mules and horses, which were abundant and cheap, are now difficult to be obtained even at prices one hundred per cent. above their former value. These animals are raised with ease; but, say the farmers, what is the use of raising stock which we cannot protect, and which, as soon as it is fit for service, is stolen from our very doors?

The truth of this I had the opportunity of verifying during my visit to Ures, where I was confined several weeks by illness. Scarcely a day passed when reports were not received by the authorities of Indian robberies. In one instance, but a few miles from the town, fourteen valuable horses were stolen, and a boy, fifteen years of age, who was taking care of them, made captive. Mules were taken one night from a ranche within half a mile of the town, and the owner was pierced with arrows, in which situation he was found the following morning.

The robbers drive their stock to the ravines and mountain passes, where they are concealed until a large number is collected, when they are driven in one body to their grand rallying place. So bold have these Indians become, and so little do they stand in fear of chastisement from the citizens, that they visited the capital during my tarry there and rescued several of their associates who were confined in the State prison.

As an evidence of the great extent of the depredations of the Apaches in the State of Sonora, I will give the particulars of one foray which fell under my own observation while at Ures.

Reports were sent to Governor Cubillas from Hermosillo, fifty-four miles distant, that a large band of Indians, one hundred or more in number, were scouring the country as far south as that city, and that they had committed extensive robberies of animals on all the haciendas and ranches on their route. Couriers arrived daily with accounts of their depredations, and the governor was urged to send parties to inter-

cept them, as well as to notify the villages and ranches to secure their stock before the Indians were upon them. A party of forty armed men were sent from Hermosillo in pursuit; these the Indians surprised and completely routed, killing twenty-three of them within five leagues of Ures, a town of six or seven thousand inhabitants. No check had yet been given them. They pursued their course on the main road, diverging to the right and left, and securing all the animals within reach.

Among others to whom the governor sent information of the ravages of these Indians was Tanori, chief of the Oplate Indians, a civilized tribe, domiciliated in small villages, and cultivating the soil for their subsistence. Tanori is a brave and warlike chief, and had often met and routed the Apaches. In all cases he had come off triumphant, and hence had struck more terror among his enemies than any force of Mexicans sent against them. With the stratagems of the Indians he was familiar; he knew their habits, their mode of travelling, their time of rest, and the hour when they would be least prepared for an attack. Tanori accordingly assembled a party of his tribe, together with a few Mexicans, and soon discovered the trail of the enemy. Watching his opportunity he attacked and completely routed them, killing nine, and losing but one man. They then scattered in all directions, so that he could not follow them to advantage, abandoning their animals to their pursuers. These were at once secured and driven to Ures, where I had the satisfaction to see them when entering the city, escorted by the men who had retaken them. They were all fine animals—horses and mules—and embraced some of the best stock in the country. *Their number, as stated to me by the governor, was eight hundred and sixty.* This large number, the result of a single foray, and which would doubtless have been much increased before leaving the settlements, as the recapture took place in the centre of the State, will give an idea of the great extent to which these bands of robbers carry their depredations. It readily accounts for the diminution of horses and mules, and their increase in value throughout the State.

The question now arises, what tribe or tribes are the depredators, and where is their place of abode? The Indian tribes which dwell in and occupy the vast region from the Rio Grande to the Pacific, along and near the river Gila, and in the country embraced in the States of Chihuahua and Sonora, are the following—(I except those tribes in the southern part of Chihuahua and Texas, on the Rio Grande, the Comanches, &c., before spoken of:) The Apaches of the Copper Mine district; the Apaches of the Gila, embracing the Pinaleros and Cuyoterios; the Tontos, and some minor tribes; the Pimos, the Coco-Maricopas, the Papagos, and the Yumas; and within the State of Sonora, the Yaquis, the Oplates, and the Ceves. The two former are christianized and domiciliated among the Mexicans; while the Ceves, on the shores of the Californian gulf, and on the island of Tiburon, are their most inveterate enemies. Their only desire is to murder, never to rob. They come down in small bands, and lie in ambush between Hermosillo and Guaymas, (distance one hundred and eight miles,) whence they discharge their poisoned arrows on the unsuspecting traveller, and are not seen themselves. Many have thus been cut off. This tribe

embraces less than one hundred warriors; and although the Mexican government has sent several expeditions against it, they have accomplished nothing. The Ceves maintain their ground, and still make sallies on the nearest settlements.

All the tribes included in the foregoing list, except the Yaquis, the Opates, and the Ceves, dwell along the Gila and Colorado. Their homes are both in the territories of the United States and Mexico, except the Papagos, who have no dwellings north of the Gila. All are on terms of friendship with the Mexicans and Americans except the Apaches.

The Yumas have recently manifested an unfriendly feeling towards the Americans; and a party of Coahuilas have quite lately made a descent on "Warner's ranche," a well known settlement, driven off his cattle, and destroyed his buildings. As these tribes have heretofore manifested a friendship towards us, and maintained a friendly intercourse, I think that a rigid scrutiny of the circumstances connected with and preceding these outbreaks, would show that the hostilities were prompted by real or imaginary wrongs which they have suffered from the whites. On this matter I may dwell more at length hereafter.

All of these tribes are at enmity with the Apaches. The latter kill, indiscriminately, the Indians of all other tribes which they encounter; and whenever these tribes are known to possess any considerable number of mules, the Apaches attack and dispossess them of their property. Hence the Apache tribe may be said to be the enemies of all other Indians, as well as of the white man; and should a campaign be sent by the United States against this universal enemy, all the Indian nations would gladly join in it—for all have suffered from their depredations, carried on during a long series of years.

I have alluded above to the Yumas, a small tribe that occupy a district near the junction of the Gila and Colorado rivers. This tribe, formerly peaceably inclined, became estranged from the Americans in consequence of the outrageous conduct of the California emigrants towards them. Since then they have shown some hostility to parties of Americans passing through their country, and have even had a contest with a small body of our troops stationed at the mouth of the Gila.

From a person who has lately passed through the district formerly occupied by the Yumas, I learn that the whole tribe has removed south, and are now on that portion of the Colorado between the Gila and the Gulf of California. There are no settlements of the Mexicans in that portion of Sonora now occupied by them, and I do not learn that they have ever committed any depredations on the inhabitants; on the contrary, they profess to be, and manifest that they are, on terms of peace with Mexico.

The Pimos, Coco-Maricopas, and Papagos, are friendly and well disposed. They often find their way down into the interior of the State, and were never known to show any hostility to the Mexicans. I met a large band of the Coco-Maricopas at Ures, where they had come to make a complaint to the governor and solicit from him arms to defend themselves from the Yumas, who had, a short time before, made an attack on them and taken away much of their property. This

was at the very moment when the large band of Apaches, before alluded to, was ravaging the country; and, at the suggestion of the governor, they gladly set off in pursuit of the marauders. I left before they had returned, and know not the result of their expedition.

There remain now only the Apache tribes to speak of. All these have, more or less, been concerned in the depredations on the people of Sonora, and have kept up a constant warfare for about fifteen years. During this period they have frequently made peace with the State; but this was only done when they had met with reverses, and required time to recover from them. The first favorable opportunity that presented itself, after agreeing to a treaty, found them again in arms, plundering the country, murdering the inoffensive inhabitants, and carrying into captivity the women and children who fell into their hands. The Copper Mine Apaches have been among the boldest of these depredators, and the names of their chiefs, Mangus Colorado, Del Gadito, Coletto Amarillo, and Ponce, have struck terror among the people of Sonora, Chihuahua, and those portions of New Mexico and Texas which border on the Rio Grande. With Chihuahua they are now at peace. During the three months that the boundary commission had its headquarters at the Copper Mines, and while the line was being run west from the Rio Grande, this tribe exhibited the most friendly feelings towards the Americans. They were divided into two bands, and made their encampments three or four miles from us, on either side. Until within ten days before the surveying parties left for the Gila, the four chiefs mentioned were daily visitors to our quarters, entering the houses and tents of the commission with perfect freedom and the most entire confidence. I had several "talks" with Mangus Colorado, the head chief of all the Apaches, (as he calls himself,) with reference to a more peaceful life on his part. I recommended him to cultivate the soil and raise his own corn, mules, horses, &c., instead of stealing them from the Mexicans. He listened with attention to what I said, and in reply observed that he was too old to begin to raise corn or to cultivate the soil, and that he must leave these things for his young people to do. He expressed a most earnest desire to be at peace with the Americans, and spoke in the highest terms of their bravery and knowledge; but why we should defend the Mexicans, after being at war with them, was to him incomprehensible. I explained to him our treaty with the Mexicans, and told him we were bound strictly to carry it out. I told him we would aid his tribe in learning to cultivate the soil; that we would send them ploughs and other implements for the purpose; also, a carpenter and blacksmith; and, furthermore, would give them blankets, cotton cloth, and other necessary articles, as long as they remained quiet, continued at peace with the Mexicans and Americans, and committed no more robberies of mules, horses, and cattle from either, and indicated a disposition to lead industrious lives. He showed evident signs of satisfaction at my suggestions, and I have no doubt would use his influence with his people in bringing about a permanent peace. Mangus Colorado unquestionably possesses a great influence among the several Apache tribes, from the Sacramento mountains, east of the Rio Grande, to the Pimos villages, on the Gila, at the west, embracing a region of country 350

miles in length. He is a man of strong common sense and discriminating judgment; he has none of the savageness delineated in his appearance, or manifested in his action or bearing, that we anticipated from the many vague rumors afloat; he is evidently a councillor rather than a warrior, and can appreciate the benefits derivable by his tribe from the pursuits of peace, over all advantages that might accrue from warlike depredations. He has a large family of bright and intelligent-looking children—both of boys and girls—of whom he is very fond and to whom he is ardently attached. For them and the welfare of his tribe, I doubt not that he would exert himself to the utmost, and be willing, if necessary, to make great sacrifices. Ponce and Del Gadito are also men of more than ordinary character, intellect, and influence, and seem reasonable and practicable in their views and expectations. Hitherto, however, they have all been viewed by the inhabitants of this country as cruel, blood-thirsty, implacable enemies; and too often assuming them to be so, they have been treated, when occasions offered, worse than brutes. No attempts have been made to conciliate them, but, on the contrary, many flagrant acts of injustice have been committed against them, and much done to exasperate them and increase their hostility. By bringing them over to our interest an important point would be gained, and by judicious management, as we have secured their confidence, this can be done.

There remain to be spoken of but two more tribes, viz: the Pinaleños and Cuyoterós, both offshoots from the great Apache tribe, but entirely independent of them. They dwell near the Gila, about three days' journey from its northern bank, and hence within the limits of the United States. These two tribes embrace more than double the number of the Copper Mine Apaches; they have been, and are now, the principal depredators on Sonora. They have at the present time more Mexican captives than all the other frontier Indians together.

Situated at only half the distance from the settlements that the Copper Mine tribes are, with an open country between, they can set out at all times, and in five or six days reach the frontier towns. These forays, therefore, are constant and almost always attended with success. With these people the traders of New Mexico keep up a constant intercourse, buying their stolen animals and their captives.

In my despatch No. 18, giving the particulars of the recapture of certain Mexican captives, mules and horses, I stated at length the course pursued by the traders of New Mexico. In brief, it is this: One obtains the usual license in his own name, from the State authorities, for trading with the Indians. On the strength of this, he enlarges his company by inviting an indefinite number to join him; each operating on his own account, and taking such articles for traffic as he thinks will pay best. These men are bound by no oath—they incur no responsibilities; and if there is any infringement of the laws, or any illegal trade carried on by them, such as the purchase of captives or animals from the Indians, the penalty, if discovered, falls upon the person in whose name the license is taken out, and all of his guilty associates are irresponsible, and escape merited punishment.

The party from which we took the captive girl, Inez Gonzales, em-

braced fifty persons, and the leader told me he felt a perfect liberty to extend the number as far as he thought proper.

This course of proceeding is a serious evil, and tends in a great measure to encourage the Indians to continue their system of stealing all the animals they can find, and of carrying into captivity the women and children.

The Pinaleros and Cuyoteros, nearly midway between the Rio Grande and the Colorado, have no other market for their plunder. They never cross the country of the Copper Mine Indians to trade with the Americans on the Rio Grande; nor with the New Mexicans. Their market is at their own villages; and as long as this continues and they are secure from the attacks of the Americans, and on friendly terms with a portion of our own citizens, viz: the New Mexicans, they will pursue their depredations with impunity.

To check these marauders, and more effectually carry out the stipulations of the 11th article of the treaty of Guadalupe Hidalgo, it will be necessary to chastise these two tribes. I would therefore recommend that an expedition be fitted out and sent against them, sufficiently strong to surround and make prisoners of the entire tribes. The warriors would of course resist, and suffer the consequence.

The women and children, and such men as should fall into our hands, should be taken from their places of abode and given over to the Mexicans, by whom they will be sent to the southern parts of Mexico, and there placed on the haciendas. This is the course pursued with all Indian prisoners taken by the Mexicans.

These people must be annihilated, or removed where they can do no harm. We have no district where they can be sent; and by ridding ourselves of them entirely, by transferring them to our neighbors, for them to make such a disposition as has been mentioned, would be the easiest and least objectionable method of removing a serious evil. Two companies of dragoons and one of infantry would be quite sufficient to accomplish the object proposed. The distance is not great; and no serious obstacles being in the way to impede the march of our men, it is believed that a month would be ample time for the campaign. A sudden attack on these people, if attended with success, would strike terror among other tribes not well disposed towards us. The Copper Mine Indians in particular, who have hitherto been at war both with the Mexicans and Americans, and who may be said to be wavering as to their future course, would be ready to enter into a treaty of peace at once with us, in case it should not have been previously made. The whole country from the Rio Grande to the Pacific would then be open to us: emigrants and travellers might then pass unmolested across the whole valley of the Gila, and the depredations on our neighbors of Chihuahua and Sonora be completely checked. In this I speak of the northern frontier only. To dispose of the Comanches is another matter. They are some hundred miles beyond the field of our present operations, and the government is already possessed of all the facts regarding their position and their depredations on both sides of the Rio Grande.

Should a campaign be made against the Pinaleros and Cuyoteros, as suggested, it would be the means of rescuing a large number of cap-

tives held by these people; and for this purpose, if for no other object, an expedition should be fitted out, as the United States are solemnly bound, by the stipulations referred to, to make an effort to liberate and restore to Mexico the captives now held by these tribes.

I also beg leave to suggest a plan with reference to the Copper Mine Apaches. This tribe, or rather Mangus Colorado and the other chiefs spoken of, are unquestionably, as already hinted, now well disposed towards the Americans.

With them I would recommend pacific measures, believing that a knowledge of the chastisement administered to the Pinaleros and Cuyotereros, with whom they are in friendly communication and closely allied, would exert a salutary influence among them. With this view I would recommend the establishment of an Indian agent at the Copper Mines—an eligible spot, and in the centre of the country claimed by this tribe—also the assembling of the chiefs at once, and the distribution among the tribe of presents to the value of \$4,000 or \$5,000, with a promise, that if they continued faithful, to make them yearly presents of clothing and corn, until they are able to sustain themselves. They are now miserably clad, and suffer much from the cold during the winter, which is quite severe in this district. They also require food: this is now distributed among them by the Mexican authorities at the frontier post of Yanos, and will doubtless be continued to such as take up their winter abode near that town.

To carry out the object proposed, there would be required an appropriation of about \$25,000. This would include the purchase of goods for presents, and the transportation of the same to the Copper Mines; the salary of an Indian agent and other necessary attendant expenses; the pay of an agent or commissioner to make treaties with these and other neighboring Indian tribes; the compensation of guides; the purchase of mules, horses, camp equipage, &c., &c.

Should this meet the favorable attention of the government, it is of the utmost importance that the plan be kept secret; for if a campaign is openly decided upon against the Indians referred to, it will be made known to them by the New Mexican traders, who have an interest in keeping up the present system of plunder. They will then remove with their families and stock where it will be impossible to find them, and all our plans be thereby frustrated. Such was the case with the Navajos. The intended campaign against them by the army of New Mexico was known to them months before it took place, and they governed themselves accordingly, by withdrawing their stock and keeping out of the way.

In conclusion, I would suggest that some suitable measures should promptly be taken to ascertain what Mexican captives are now retained in New Mexico as peons or servants, which captives were taken from Sonora and Chihuahua by Apache Indians, and subsequently sold to persons from New Mexico calling themselves traders. I have the most indubitable evidence that many such may be found in that Territory, chiefly boys and girls, who, unless rescued from their impending fate by the action of our government, are doomed to a worse than African bondage. To aid the government in accomplishing so important an object—one required not only by the treaty stipulations, but by every

dictate of humanity—I requested the governor of Sonora, Señor Don F. Cubillas, to procure for me a list of all the captives taken by the Indians from that State; specifying the time when taken, their places of residence and their ages, with a description of their persons. This the governor promised to do, and for that purpose at once opened a communication with the different towns and haciendas on the frontier. He will, as soon as furnished with the facts, communicate the same to me. This information will greatly aid us in discovering and reclaiming the captives in New Mexico.

The topics treated of in this communication might easily have been dwelt on more in detail, and as it was my original intention thus to have done; but since writing the above I have had an opportunity to examine the President's message and accompanying documents, wherein I perceive what I consider the true policy towards our Indian brethren clearly pointed out and strongly recommended, which would render any further remarks from me at this time a work of supererogation. I shall continue, however, as opportunities offer, to study the character, condition, wants, views, &c., of the various tribes with which I am brought in contact; and it would afford me great satisfaction to answer any inquiries or pursue any investigations you may desire in relation to them.

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

JOHN R. BARTLETT,
Commissioner.

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

FRONTERA, NEAR EL PASO,
March 11, 1852.

SIR: Very early after my arrival on the line, I stated to you my opinion that I would not be able to have an interview with the commissioner for a long time, but still I hoped that I might be mistaken. My impression now is confirmed, and it becomes necessary for me to address you directly, as your orders of November 4th cannot be carried into full effect in the absence of the commissioner, and the work cannot progress efficiently and harmoniously until these orders are carried into effect, and until, in addition thereto, a change is made in the property and money business of the commission.

Enclosed is a draught for a new organization, based on your instructions, which I prepared to be submitted to the commissioner. If approved by you, I request orders may be given directly, that all offices not named in the schedule may be abolished, and the persons unemployed paid off and discharged the service.

The immediate necessity for reorganizing the money and property business of the commission is the most pressing, and no stronger argument can be offered to the honorable Secretary for the necessity of my submitting the case directly to him without waiting longer for the commissioner, than the fact that employes have not, on an average, been

paid beyond the 2d July, 1851, and to raise money to buy clothes, and other necessaries, are now selling their pay-bills at fifty per cent. discount, and that I am in danger of losing the services of laborers now employed in the field.

This confusion and embarrassment is the inevitable result of placing the money and property in the hands of agents who have no knowledge whatever of the wants of a survey, and are not identified personally or professionally with the work. It is for this reason I have recommended the offices of agent to the commission, deputy paymaster, quartermaster and commissary, all to be united in an officer, who shall give bonds, and who shall *not disburse one cent* appertaining to the running and marking the line without the written approval of the chief who may be actually in the field and directing the operations. In making this statement and this recommendation, I wish to be distinctly understood as not desiring or intending to cast the shadow of reproach upon the honor and honesty of the parties concerned.

The recommendation is founded upon the practice of the Coast Survey, confessedly the most extensive and best organized survey in the world, and is analogous to the practice on the survey of the lakes; and it occurs to me as the only practicable and economical mode to be adopted. I also urgently recommend that no agent, sub-agent or deputy, shall be employed on the work by any of the officers recognised in the organization of the commission; that where it is necessary to do business by deputy, as with parties at a distance, the chief of the party shall do the duty for the time being, as is practised in the survey of the coast. His knowledge of the wants of the survey will make him, acting under the orders of the head of the work, the best judge of what is necessary; and the salary due him by the government will always be more than sufficient to guaranty the faithful disbursement of the small sum of money that it may be necessary to place in his hands.

The parties I have now in the field are operating at distances varying from 100 miles to 1,000 miles apart, without any regular means of communicating with headquarters. If a mule dies, or a man misbehaves, they cannot send back first to the agent to get the money to replace the mule, and then to the quartermaster to purchase it. Wants are daily occurring of which he must be the judge, and which cannot be referred back without manifest injury and delay to the service. The consideration is too insignificant, (the supply of one officer and ten men) to authorize a sub-deputy paymaster and a sub-deputy quartermaster and commissary, and he must necessarily be his own agent.

I have yet no returns from the distant parties; those in my vicinity are progressing with rapidity, one party having accomplished already, in a satisfactory manner, 146 miles of boundary. All, however, are working to disadvantage, and are sorely inconvenienced for the want of some funds, and by the insufficiency of escort.

I have the honor to be, your obedient servant,

W. H. EMORY,
Brevet Major, &c.

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

Reorganization of the astronomical and surveying parties of the United States boundary commission, proposed by Major W. H. Emory, chief astronomer and surveyor, based upon the instructions of the Hon. Secretary of the Interior, November 4, 1851; the commissioner, and the assistants required by him, not included.

One chief astronomer and surveyor.

One clerk to ditto.

One draughtsman.

Four computers.

Three lieutenants topographical engineers, in charge of astronomical and surveying parties.

Three assistants—one for each lieutenant—to be selected from those on the work.

Three computers—one for each lieutenant—to be selected from those on the work.

One principal assistant surveyor, Charles Radziminski.

Two assistant surveyors, M. Von Hippel and M. T. W. Chandler.

Three assistants—one for each of the above—to be selected from those on the work.

One medical officer, (the present incumbent.)

One botanist and geologist, (the present incumbent.)

Laborers to be employed as at present, by chiefs of parties, at prices paid for labor in the country.

One disbursing and property agent, to be appointed by the Secretary of the Interior, and required to give bonds.

One clerk.

The salaries at the rates directed in the instructions of the honorable the Secretary, dated November 4, 1851.

It is recommended that the disbursing officer and property agent shall do the duties now performed by the agent of the commissioner and deputy paymaster, and by the quartermaster and commissary of the commission, and that those offices be at once abolished; that he shall contract no debts, pay no bill, account, or pay-roll, except on the written order of the commissioner, his secretary or assistants; and if appertaining to running and marking the boundary, or other surveys connected therewith, he shall contract no debt, pay no bill, account, or pay-roll, and dispose of no property, except on the written approval of the chief astronomer and surveyor; and that for the time he holds his appointment, he shall not be allowed to embark in traffic of any kind.

Though no agent, sub-agent, or deputy, shall be employed on the work, when it is necessary to use deputies, as with the parties at a distance, the chief of the party, acting under the orders of the head of the work, shall do the duty for the time being, as is practised on the survey of the coast and on that of the lakes.

MEXICAN BOUNDARY COMMISSION,
San Francisco, Cal., March 12, 1852.

SIR: I have the honor herewith to report the following resignations in this commission since its arrival in California, viz:

	Pay per annum.
Samuel S. Moe, carpenter, of Washington	\$600
Wm. T. Brooke, wheelwright, of Washington.....	600
George W. Miller, blacksmith, of Washington.....	810
R. M. Tuttle, armorer, of Washington.....	720
John T. Mankin, mason, of Washington.....	600
R. B. Smith, mason, of Rhode Island.....	720
Wm. A. Taylor, sub-assistant surveyor.....	800
James Steele, sub-assistant surveyor.....	800
William Bausman, sub-assistant surveyor, and secretary of A. B. Gray	1,000
	6,650

It will not be necessary to fill the places of any of the above, thereby making a saving to the commission of six thousand six hundred and fifty dollars per annum. Besides the above, the number of laborers will be reduced one half.

In consequence of the continual changes of the laborers, servants, and cooks in the commission, I have not deemed it necessary to advise the department of their names, or when employed or discharged. This appears in the pay-rolls transmitted to the Fifth Auditor.

The following named persons joined the commission at Washington, and have also left since its arrival in California. I deem it proper to advise the department of these resignations, as their families reside in Washington and may desire information respecting them:

Wm. H. Gordon, cook.
 Edw'd Crawford, servant.
 Timothy Carroll, do.
 David Smith, do.

I found it necessary to come to this city to raise funds for paying off the members of the commission, and to purchase the necessary outfit and provisions to carry the parties back to El Paso. In a few days I will have completed my purchases, when I shall return to San Diego. The state of the weather and the roads will then govern me in my departure.

Herewith I enclose you the programmes of the parties organized at the Copper Mines for the boundary survey:

1st. For the survey of the river Gila.

1. The party under A. B. Gray, esq., United States surveyor, charged with the linear survey.

2. The party under Lieutenant A. W. Whipple, charged with the astronomical and topographical portion of the same.

3. Organization of the astronomical parties on the Rio Grande, and of two parties for the survey of that river.

These programmes would have been sent to the department from the Copper Mines, but I was not furnished by Lieutenant Colonel Graham with a copy of his until my arrival at San Diego, when it was handed to me by Lieutenant Whipple. It was presented to and approved by me on the 27th August, 1851.

As the commission will soon be confined to duty on the Rio Grande alone, I think the commissary and quartermaster's departments may be committed to one officer. They are now large and expensive, and can, without detriment to the commission, be reduced. With each surveying party the duty appertaining to these departments may be performed by an assistant, as was the case with the Gila parties, for which Colonel Graham assigned no one—retaining both the commissary and quartermaster, with their assistants, for the smaller portion of the commission on the Rio Grande. I would, therefore, recommend the recall of one of the officers now in charge of these departments.

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, Washington, D. C.

ENCAMPMENT OF THE U. S. SURVEYOR,
Santa Rita del Cobre, August 21, 1851.

SIR: I have to request that the following names of men may be placed upon the roll of the quartermaster of the commission, and that you will direct that provisions be issued to them forthwith, for they are without the necessities of life at present. They are men whom I have engaged as laborers, to accompany me, as the surveyor under the 5th article of the treaty of Guadalupe Hidalgo, by your direction for preparing a party for making the linear surveys of the Gila, in accordance with the provisions of the agreement of the joint commission.

Their names are as follows, to wit:

George Vandergrift, William Williamson, G. W. Dalton, Henry Marks, E. A. Brasford, and Thomas Roache, laborers; Manuel Garcia, Mexican, to attend camp animals.

Very respectfully, your obedient servant,

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

HON. J. R. BARTLETT,

U. S. Commissioner, &c., &c., &c.

ENCAMPMENT, SANTA RITA DEL COBRE,
August 21, 1851.

SIR: In compliance with your orders of to-day, and under the existing circumstances, I have now arranged the party to accompany me forthwith to the Gila, to meet the Mexicans. It is as small as possible, consistent with the faithful execution of my immediate duties, in any contingency which may arise, in the linear surveys to be made in accordance with the joint agreement of the commission on the — day of July. Their names are as follows:

J. H. Prioleau, first assistant.

Malcolm Seaton, sub-assistant.

William Bausman, sub-assistant and clerk.

George Vandergrift, William Williamson, G. W. Dalton, Henry Marks, Edward Crawford, and Thomas Roache, employed as laborers, to do any work which the interest of the service may require.

Manuel Garcia, Mexican, to attend animals.

William Gordon, cook.

Messrs. Bull, first assistant, and W. A. Taylor, sub-assistant, with one cook (John Wright) and one laborer, (Brasford,) to be left in charge of the camp at the Copper Mines, but to come up as soon as animals and provisions can be procured. Their services will be also required in the further linear survey of the boundary along the Gila.

The first-named laborers (cooks, camp attendants, chain-carriers, &c., &c., six in number) are absolutely indispensable to the least degree of accuracy, as required in the immediate performance of my duties as the United States surveyor, independent of any others (mechanics or laborers) which you may wish to accompany you, to aid in erecting monuments, marking the line, &c., and who also may be most useful, and on whom I must depend at times for aid in the linear surveys.

In the recapitulation which accompanies this, you will see the exact position of the party, and what will be absolutely necessary for them, exclusive of surveying instruments. Most of them are good men, and tried from personal observation. The others, which I know less about, are those in whom I am willing to trust.

This party is small; but under the circumstances which you mention, I find such is absolutely necessary to keep the faith of the government.

I send also, accompanying this, a list and the names of the men whom it appears have not been placed upon the roll of the "quartermaster," and whom it appears have been refused rations or provisions on that account. If there are any rules or regulations which you have enacted, or have been so made by the department, governing this survey, I should be pleased to have them (a copy) furnished me, in order that I may be so governed in future as to prevent the grub of those honest laborers being stopped.

I have the honor to remain, very respectfully, your obedient servant,

A. B. GRAY,

U. S. Surveyor, &c.

HON. JNO R. BARTLETT,

U. S. Commissioner, &c., &c., &c.

II.—For two surveying parties.

No. 1.	No. 2.
Chas. A. Snowden, per ann. \$800	Thos. Thompsop, per ann. \$800
E. A. Phillips, per month .. 50	A. P. Wilbur, per month .. 50
2 chainmendo..... 30	2 chainmendo..... 30
2 flag-bearersdo..... 30	2 flag-bearersdo..... 30
1 station marker. do..... 30	1 station marker. do..... 30
2 laborersdo..... 30	2 laborersdo..... 30
2 teamstersdo..... 25	2 teamstersdo..... 25
1 cookdo..... 30	1 cookdo..... 30
1 servantdo..... 25	1 servantdo..... 25
2 wagons, of 6 mules each.	2 wagons, of 6 mules each.

III.—Assistant in meteorological department.

M. T. W. Chandler.

James H. Houston, sub-assistant, \$50 per month.

IV.—Quartermaster and commissariat department.

T. W. Tansill, clerk to Lieutenant Tillinghast, \$70 per month;

Geo. S. Peirce, clerk to Lieutenant Burnside, \$70 per month;

with the necessary quartermaster and commissary's laboring men, and wagons and animals, as may be necessary for the public service.

I am, very respectfully, your obedient servant,

J. D. GRAHAM;

Principal Astronomer and Head of Scientific Corps.

J. R. BARTLETT, Esq.,

U. S. Commissioner, &c., Copper Mines of Santa Fé.

List of the astronomical and topographical party for the United States and Mexican boundary survey of the Rio Gila.

Organization.	Rate of pay.
Lieut. A. W. Whipple, principal assistant astronomer and topographical engineer.	
John O'Donoghue, assistant.....	\$60 per month.
Henry C. Force.....do.....	800 per year.
Frank Wheaton.....do.....	50 per month.
Hugh Campbell.....do.....	60 "
J. R. Neide.....instrument carrier.....	30 "
Bernard Marron.....do.....	30 "

LIST—Continued.

Organization.	Rate of pay.
Thomas Harper, instrument carrier	\$30 per month.
James Halsted laborer	30 "
Frederick Schaaf do	30 "
Alex. McDonald do	30 "
Chas. Fitzgerald, cook to Lieut. Whipple	30 "
David Smith, servant do	30 "
J. Nickerson, cook	30 "
Guadalupe Medina, servant	25 "
Antonio Avelar, arriero	25 "
James H. Smith, packer	25 "
Thos. M. Fulton, herder	25 "

I recommend the above rates of compensation as, in my opinion, just and reasonable, on the United States and Mexican boundary survey.

J. D. GRAHAM,

Lieut. Col., and Head of Scientific Corps.

SANTA RITA DEL COBRE, August 24, 1851.

FRONTERA, NEAR EL PASO, March 21, 1852.

SIR: I have the satisfaction to report to you that I have this moment received a despatch stating that the two parties sent down the river by me to Eagle Pass had arrived in safety, and that, through the kindness of the commanding officer, Colonel Morris, of that post, and the quartermaster and commissary, Lieutenant Michler has been enabled to commence successfully the survey in that quarter; so that now but one party under my command remains to be heard from, that of Lieutenant Whipple. Every party on the survey may therefore now be considered as in active and successful operation, and will continue so until stopped for the want of money or the insufficiency of escort.

I made my requisitions and drafts, for the outfit of Lieutenant Michler's command, on the commissioner, believing from what I heard, and which has since been confirmed, he had left the country, and I supposed to visit Washington. Failing to hear anything decisive, Lieutenant Michler informs me he has sent them directly to Washington, and I hope they will be honored, that the officers of the army, who have with commendable public spirit furnished the outfit for these parties, may not be made to suffer.

I have the honor to be your obedient servant,

W. H. EMORY, *Bvt. Major, &c.*

Hon. A. H. H. STUART,

Secretary of the Interior.

FRONTERA, NEAR EL PASO,

April 9, 1852.

SIR: I have the honor to enclose, herewith, a requisition for thirty thousand dollars for the use of the boundary survey in this quarter, and five thousand dollars to be sent Lieutenant N. Michler, at Fort Duncan, Texas, being a portion of the amount estimated for in detail in my communication to the United States commissioner, dated January 1, 1852, a copy of which was furnished the department.

I have six parties now in the field, five of which are operating in regions distant from each other, and under circumstances where it is absolutely necessary, to sustain the work, that the chiefs of parties shall be furnished with funds to meet the current and daily expenses.

My design is to distribute this money among the different parties, four of which are in charge of officers of the corps of topographical engineers, who are by law disbursing officers, and the other two in charge of principal assistant surveyors, whose salary due will always be a sufficient guarantee for the faithful disbursement of the money.

The system heretofore practised, of not placing funds in the hands of the chiefs of parties, but requiring them to look to a distant and central head, has proved an utter failure, and is destructive of the authority which should necessarily rest in the chief of each party. Besides which, it is physically impossible for any central power to minister to the daily and almost hourly wants of parties in the field, which are operating hundreds, and some of them thousands of miles apart.

Our pay-rolls are now encumbered with many useless men, because chiefs have neither the money nor authority to discharge them, and the evil is daily accumulating.

I am aware that these considerations should be addressed to the commissioner, and doubt not they would receive his cordial concurrence; but the honorable Secretary will excuse me for addressing him directly, when he learns that I have, after exhausting every means of communicating, failed to receive any tidings of the commissioner since he left the line in October last, except the information heretofore communicated, that he was at Ures, Sonora, on his way to Guaymas.

Unless some relief is speedily received, the parties which are now making rapid and successful progress in the business of running and marking the boundary must fall to pieces and the work be stopped, only to be resumed again at an immense expense of time and money. They are now only held together by the belief that funds will be sent me, and that they will hereafter, when the appropriation passes, receive their pay regularly.

The time is past when the special messenger sent by me to communicate with the surveying parties on the Gila should have returned, and a newspaper report has reached here, by the way of Chagres and New Orleans, that a portion if not all these surveying parties have gone into California; but I am unwilling to believe this, as such proceeding cannot be justified on any ground of the exigencies of the public service, and at this time will be a severe blow to the progress of this work, as one of the parties (Lieutenant Whipple's) carried off the only instruments available or fit to run the parallel of latitude west of the Del Norte.

The depots of supplies were in the valley of the Del Norte, from which the parties in any portion of the unfinished line west of it could be supplied in less time, and at one-half the expense of doing so, from the shores of the Pacific.

I have the honor to be your obedient servant,

W. H. EMORY,

Bvt. Major U. S. A., Astronomer and Surveyor B. S.

HON. A. H. H. STUART,

Secretary of the Interior.

FRONTERA, NEAR EL PASO,

April 9, 1852.

SIR: I have the honor to request that I may be supplied with thirty thousand dollars, a portion of the money estimated for by me in detail in a communication dated January 1, 1852, addressed to the commissioner, a copy of which I had the honor of sending you.

And also, that five thousand dollars be sent to Lieutenant N. Michler, corps topographical engineers, at Fort Duncan, Texas, as he is operating too far distant to receive direct support from headquarters.

I have the honor to be your obedient servant,

W. H. EMORY,

Bvt. Major U. S. A., Astronomer and Surveyor B. C.

HON. A. H. H. STUART,

Secretary of the Interior.

FRONTERA, NEAR EL PASO,

April 11, 1852.

SIR: The supply of provisions for the boundary commission will be exhausted in August, and, in the absence of the commissioner, I have to request that \$10,000 be furnished me for distribution among the parties in the field, for the purchase of provisions, in addition to the sum estimated for by me in my letter of the 9th.

I suggest this plan as more economical than that of buying the provisions in the States and sending them here, as we thus get rid of the enormous transportation, and the number of agents and sub-agents, which the old system entails.

If, however, it is not deemed expedient to make a change, I have the honor to request that three thousand rations may be sent to this place, three thousand to the Presidio del Norte, three thousand to Eagle Pass, and five thousand to Fort Brown, opposite Matamoras.

Under the circumstances of the difficulties of retaining good men in service, without having the means of paying them, I have authorized

the issue to those in the field of one ration and a half of sugar and coffee per day, in place of one ration, and I hope the same will be approved.

I have the honor to be your obedient servant,

W. H. EMORY,
Brevet Major, &c., &c.

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

FRONTERA, NEAR EL PASO, TEXAS,
April 20, 1852.

SIR: You will take charge of the enclosed despatches and deliver them in person to the Hon. Secretary of the Interior. You will represent to the Secretary the urgent necessity there is for sending me immediate relief in money, and the certainty, if this is not speedily done, that this work, now in successful operation, must be again suspended. Should you meet the commissioner in Washington, you will make these representations to him. Should it be determined, contrary to my advice, to send rations to the points indicated in my letter of 11th April to the Hon. Secretary, instead of money, you will, unless otherwise instructed, take charge of their delivery.

By agreement with the Mexican astronomer and surveyor, we are to meet at the Presidio del Norte on the 1st August next, and I expect to be there by the 1st July to make the preliminary observations. You will therefore please send all communications to that place: if of importance, they should be sent in duplicate, one copy to El Paso. On reaching San Antonio, should you find a train leaving which will reach the Presidio del Norte on or before the 1st August, you will purchase and contract for the delivery, at Presidio, of three thousand rations.

Should you be able to have these provisions delivered, you will notify the Secretary, and the necessity of sending to that point the supplies required in my letter of 11th April will be obviated.

I am, very respectfully, your obedient servant,

W. H. EMORY,
Brevet Major U. S. A., Chief Astr. and Surveyor.

GEO. F. BARTLETT, Esq.,
U. S. Boundary Commission.

SAN DIEGO, CALIFORNIA,
April 16, 1852.

SIR: Allow me to express thanks for your prompt reply, and the kind terms in which you have been pleased to deny my application for funds and for permission to return to Washington. The arrival of the commissioner relieves me from pecuniary embarrassment.

So long as my services may be deemed necessary to the boundary commission, I will cheerfully devote myself to the work, and use every effort, appropriate to my sphere of duty, to bring the survey to a satisfactory and speedy close.

While awaiting here the return of the commissioner from San Francisco with supplies, my party is employed in making a duplicate copy of the notes and computations of the work between the Rio Grande and this place, and in plotting our notes of the survey of the boundary. The danger is so great of their loss or destruction on our return through an Indian country, across deserts and rivers, that I deem it of the utmost importance to send to the department a duplicate by mail. This I hope to accomplish by the next steamer.

I have the honor to remain, sir, very respectfully, your obedient servant,

A. W. WHIPPLE,
Lieut. U. S. Top. Engineers.

Hon. ALEX. H. H. STUART,
Secretary of the Interior, Washington, D. C.

FRONTERA, NEAR EL PASO,
April 20, 1852.

SIR: I wrote you by the Santa Fé mail of the state of things on the boundary survey. Since then having had an interview with Mr. Jacobs, the agent left here by the commissioner to furnish money for the survey, and seeing no way to meet the demands which are pressing on the work and threaten to stop it, without violating existing orders, which prevent any one but the commissioner from drawing on the appropriation, I avail myself of Mr. George F. Bartlett, United States boundary commission, to ascertain if anything can be done to avert the necessity, which must otherwise occur, of suspending the work, which is in full and successful operation.

It is not necessary to send specie to this country: authority to draw is sufficient. Should the Secretary see fit to send me letters of credit, I desire them to be made in duplicate—one copy to be sent to the Presidio del Norte, the other to this place.

I send by Mr. Bartlett duplicate of a despatch sent by the Santa Fé mail. With that I sent the copy of an order I proposed to issue. The order actually issued, it will be seen, was slightly changed.

I have the honor to be your obedient servant,

W. H. EMORY,
Brevet Major, &c. &c.

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

SAN DIEGO, CALIFORNIA,
April 30, 1852.

SIR: I have the honor to acknowledge the receipt of your letter of the 18th February, addressed to me at this place, and enclosing two copies of communications to me, dated, respectively, October 31 and November 4, last. The originals having been sent to El Paso, have not been received.

The above copies brought to me the first intimation of the displeasure of the department to my disagreement of the line of the southern boundary of New Mexico, as upon a parallel of latitude of $32^{\circ} 22'$ north.

Whatever may have been my errors of judgment as considered at Washington, in the interpretation of the treaty, I nevertheless simply believed that I was doing my duty. I must beg leave, respectfully, however, to differ with the department in charging to that cause a temporary suspension of the work connected with the Mexican boundary survey, for the records of the joint commission show otherwise; and that within twenty-four hours after my arrival at the American commissioner's we were joined by General Condé, and planned and agreed upon immediate operations in the field, if not upon that line, upon other parts of the survey.

Referring to the second communication, dated four days afterwards, (4th of November,) wherein I am informed another is appointed the "surveyor under the 5th article of the treaty of Guadalupe Hidalgo," it is seen that no opportunity was given me to affix my signature to the "requisite papers," as requested by the department, thereby relieving me of all responsibility of the wrong position of the line, or to decline doing the same.

I am pleased, however, to find that, by the first paragraph of this latter communication, you do not attribute any want of "harmony, correct and expeditious prosecution of the survey," to the surveyor.

Major Emory, of the topographical engineers, appointed the surveyor in my place, being a long distance off, and deeming it more to the interest of the government for me not to form a party to cross the continent again, but to remain here, complete my notes, journal, maps, &c., putting them in proper order to turn over and forward them to Washington. In this the full approval of the commissioner I have, and to whom I will transfer property, &c. •

I have the honor to be, very respectfully, your obedient servant,
 A. B. GRAY.

HON. ALEX. H. H. STUART,
Secretary Department of the Interior, Washington City.

[No. 37.]

MEXICAN BOUNDARY COMMISSION,
San Diego, California, April 30, 1852.

SIR: I expected long ere this to have been on my journey back towards the Rio Grande, with the portion of the commission now here, but unavoidable circumstances have prevented an earlier departure.

There was much delay at San Francisco in procuring^{ing} or having made the necessary articles of our camp equipage, to replace those abandoned in coming across the desert, or worn out in the service. But under any circumstances we could not have left earlier, owing to the rains and the bad state of the roads, as well as the condition of our animals, every one of which required months to recruit after the tedious and painful service they had performed.

I shall be relieved from much care and responsibility attending my long journey back by engaging the services of Mr. Leroux, the former guide of Colonel Cooke, and recently of Captain Sitgreaves, who, with his men and twelve animals, will accompany us to El Paso, transporting a portion of our stores and camp equipage. This arrangement saves me, besides, the expense of purchasing additional mules, which in this country are very high.

Mr. Gray received, a few days since, a letter from the department dated February 18, enclosing copies of others dated October 31 and November 4, 1851, the former directing him to affix his signature to the agreement made by the joint commission establishing the initial point on the Rio Grande at $32^{\circ} 22'$, and the latter informing him of his removal. I am without any advices myself from the department of a later date than July, 1851.

I requested Mr. Gray, on learning the contents of his letters; to affix his signature to the agreement made by the joint commission, in reference to the initial point at $32^{\circ} 22'$, and the line from that point to the Gila. This he declined doing, on the ground that he was no longer the United States surveyor. I am in hopes yet to induce him to comply with his directions.

Mr. Gray will transfer to me the few instruments and other property in his possession, the former of which I will turn over to Major Emory on my arrival at El Paso. He is now engaged in putting his field-notes and observations in a suitable shape for future use. These, when completed, which will require some weeks, will be transmitted through the department to me, to be retained at Washington till the return of the commission.

I regret that I could not have been apprized of the determination of the department in reference to Mr. Gray immediately on my arrival here in February, as I would at once have discharged the whole of his party, and thereby relieved the commission from a heavy expense.

I discharged many persons on my arrival; but as Mr. Gray intended completing the survey of the Gila, and required a party for duty on the Rio Grande, some assistants were retained, and when at San Francisco a number of laborers were employed by him and sent down here. These I have discharged, as well as two of his assistants, viz:

J. H. Prioleau, 1st assistant surveyor, salary.....	\$1,400 a year.
James S. Scott, instrument carrier	456 "

I have allowed Mr. Prioleau his travelling expenses home. Mr. Scott remains in the country.

In consequence of the desertions among the soldiers of the escort under Col. Craig, which reduced his number to three privates and two

non-commissioned officers, and the warlike state of the Yumas Indians on that portion of the Gila yet to be surveyed, I deemed it prudent to apply to General Hitchcock for more men, and accordingly made him a visit at Benicia for the purpose. He readily complied with my request, and has directed Colonel Magruder, the commanding officer at San Diego, and Major Heintzelman, the commanding officer at Fort Yuma, at the junction of the Gila and Colorado rivers, to furnish me with such a force as they may deem necessary to accompany the commission as far as the Pimos villages. From that point I anticipate no difficulty in going through to El Paso with my own party.

It gives me great pleasure to state, that notwithstanding the obstacles placed in my way by stopping the survey of the line westward from the Rio Grande, the particulars of which were made known to the department, and which I feared would require the outfit of another party, and weeks of labor to complete, the line has been, as far as all practical purposes are concerned, completed.

When the party under Lieutenant Whipple left me on the San Pedro, near the terminus of the western extremity of the southern boundary of New Mexico, to commence work on the Gila, he accompanied Mr. Salazar, the Mexican surveyor and chief astronomer, to his camp at the western terminus referred to. Here he took a series of observations for latitude and longitude, with a view to determine approximately the position of that important point, as well as for the purpose of verifying the observations of Mr. Salazar. Since the arrival of Lieutenant Whipple at this place, he has reduced the observations then made, and finds the result to be within a few feet (less than 100) of the point which an actual admeasurement of the earth's surface would give. The point where the boundary line strikes the Gila he determined in the same manner.

Monuments must yet be placed upon a portion of it; and should it be deemed advisable, as it probably will, to make the entire survey with the minuteness with which the first half of it was done before the withdrawal of Lieutenant Whipple from the line by Colonel Graham, that officer will be sent from El Paso for the purpose. We have already the topography of the country adjacent to the entire line, and of the country to a considerable distance to the south of it, which is not yet laid down on any map.

On the arrival of the commission at this place I discharged all whose services were not required, but those that remained immediately struck for higher wages, equal to those paid by the United States quartermaster's department, which, for teamsters, herders, and cooks, was eighty dollars per month. As the services of these men were absolutely necessary for the preservation of our mules and horses, and for other purposes, I was compelled to advance their pay while the commission remained in California. It will be reduced to the former rates when we leave on our return. This will account for the changes and of the various rates of pay of many persons attached to the commission. I mention this in order that the Fifth Auditor, in examining the pay-rolls transmitted to him, may understand why the rates of pay have been so often changed.

Mr. Leroux, whose name I have before mentioned, has agreed to be

here in three days from this time. On his arrival, we shall set out on our return journey.

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, Washington.

FRONTERA, NEAR EL PASO,
May 15, 1852.

SIR: I have the honor to inform you that, having completed all the unfinished business in this vicinity of which I have any official knowledge, with the exception of about seven miles of survey, and being under an engagement with the Mexican commission to meet at the Presidio del Norte on the first August, and having to determine two points in geographical position, to wit: where the road to San Antonio leaves the river, and some point near Presidio del Norte, before that time, I shall move from here on the 18th, down the river.

To enable me to do this, additional transportation was absolutely necessary, and I instructed the quartermaster to buy fifty mules, which he has done, under my advice, from James Magoffin, esq., at sixty dollars per head, which is fifteen dollars less than the last government purchase made here, and may, therefore, be considered an advantageous purchase for the government. When the account is presented, I shall give an order on the commissioner's agent for the amount.

These animals will not, however, afford sufficient transportation for the public property and the persons accumulated here, and I shall be obliged to send what may be left by some of the returning merchants' trains to San Antonio.

As I have before apprized you, I shall make provision for the completion of any unfinished work that may require attention west of the Del Norte, of which I can obtain no official information, except through the commissioner.

Capt. Jiminez has got in from the Gila expedition, and the Mexican commission have finished all their work west of the river. We are, however, at least two hundred miles ahead of them on this portion of the survey—that of the Rio del Norte.

I have the honor to be your obedient servant,

W. H. EMORY,
*Brevet Major United States Army,
Chief Astronomer and Surveyor Boundary Commission.*

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

[No. 38.]

MEXICAN BOUNDARY COMMISSION,
San Diego, California, May 17, 1852.

SIR: The importance of transmitting to the department the results of the surveys of that portion of the boundary line between the United States and Mexico, running along the river Gila, which have been performed by the party under charge of Lieutenant Whipple, has induced me to defer my departure for the Rio Grande for a few days.

The large number of valuable observations, astronomical, magnetic, and meteorological, which have been made by Lieutenant Whipple and his assistants in the prosecution of their labors, appeared to me too important to hazard across the continent, exposed to rains, to the dangers of fording streams, and to other accidents liable to occur in such a journey. I therefore deemed it prudent to transmit duplicates of all the collections referred to, as well as to have constructed a complete map of the line. To effect this, Lieutenant Whipple has been diligently occupied, together with his assistants and computers, since their arrival in California, in reducing the astronomical observations made on the line. This work, as will be seen by the maps, tables and documents transmitted, has been exceedingly laborious; and in order to make it as complete as possible, I authorized Lieut. Whipple to employ Mr. Henry Clayton, a very skilful and accurate draughtsman, to aid him in the performance of the work.

It is necessary that the results of the astronomical observations and the maps made by Lieutenant Whipple should be presented to the joint commission, for its action and acceptance, before they are promulgated. I have therefore to request that they may be placed in a safe depository until the commission shall have closed its labors in the field.

It may be well to observe that Lieutenant Whipple had charge of the astronomical and topographical portion of the survey. The following is a list of the documents forwarded:

Tables marked A give the original computations which led to the establishment of the initial point at $32^{\circ} 22'$, as agreed upon by the joint commission. Tables B show results for latitude of Presidio de San Elizario and Frontera from prime vertical observations. Tables C give the determinations of longitude by lunar culminations observed at the initial point, Frontera, and stations five and twelve, on the west line—the difference of longitude between these places being obtained by signal flashes and the results exhibited in tables D. The longitude of the initial point thus obtained is $7h. 7m. 10s., 320$. The field-books, books of astronomical, magnetic, and meteorological observations, are also transmitted, as well as a map of the whole line of the Gila, as traced.

From Mr. A. B. Gray, who had charge of the linear surveys of this line, I have received no report. I have, however, directed him to forward a copy, when prepared, to the department, in like manner. Mr. Gray has given me two maps showing the manner in which his portion of the work was performed, which will be found in the boxes transmitted.

Desirous to obey the instructions of the department, with reference to the reduction of the commission to the lowest possible limit con-

sistent with the duty to be performed, I have discharged Captain E. Barry, assistant quartermaster, salary \$720 a year, and J. C. Cremony, interpreter, salary \$1,000 a year, and have allowed them both their travelling expenses home. Captain Barry will take charge of the maps and documents referred to and convey them to the department.

With high respect, I am your obedient servant,

JOHN R. BARTLETT,

Commissioner.

HON. ALEX. H. H. STUART,

Secretary of the Interior, Washington.

[To accompany despatch No. 38.]

List of notes, tables, sketches, &c., &c., results of the survey upon the United States and Mexican boundary, during the year 1851, transmitted to the Department of the Interior at Washington—the work performed under the direction of Lieutenant A. W. Whipple, assistant astronomer.

1. A rough sketch, showing approximately the southern and western limits of New Mexico.

2. Trace of triangulation and topographical sketch from initial point, on Rio Grande, to station 7.

3. Sketch of reconnaissance from Sugar Loaf, near the southern boundary of New Mexico, by way of Salt Lake, to San Pedro Springs.

4. Sketch of reconnaissance from San Pedro Springs to Tucson, returning by way of the valley of San Xavier and Santa Cruz.

5. Sketch of reconnaissance from Salt Lake, by Mr. Salazar's termination of the southern boundary of New Mexico, to station 1, on Rio Gila.

6. Plot and topographical sketches of survey of the Rio Gila, numbered from 1 to 51, and extending from the point where intersected by the western boundary of New Mexico to astronomical station No. 42, within about eighty miles from junction with the Colorado.

7. Table A.—Determination of latitude of initial point by prime vertical observations.

8. Table B.—Latitudes of Frontera and Presidio de San Elizario, on the Rio Grande, from prime vertical observations.

9. Table C.—Longitude from lunar culminations, observed at fourteen stations near the boundary.

10. Table D.—Differences of longitude by signal flashes.

11. Table E.—Results from magnetic inclination between Rio Grande del Norte and the Pacific, by needles A, B, C, with Fox dip-circle.

12. Table F.—Results for time and longitude in California.

13. Tables G, H, I, K, and L, contain observations for magnetic declination, inclination, and intensity on southern boundary of New

Mexico, and from Pimos villages to San Diego, San Francisco, and Sacramento city.

14. Table M.—Position of observations for latitude in California.

15. Book N.—Computed meridian transit observations from March 10 to October 12, 1851.

16. Book O.—Computed meridian transit observations from October 13 to December 9, 1851.

17. Book P.—Computations for lunar culminations observed in 1851.

18. Book Q.—Meteorological observations from July 13, 1851, to May 9, 1852.

19. Book R.—Notes of survey of Rio Gila from astronomical station No. 42, about eighty miles from the junction with the Colorado.

20. Book S.—Journal, containing astronomical and magnetic observations, with computations complete for latitude, longitude, and the magnetic elements, from the Copper Mines, New Mexico, to station 30, at the Pimos villages. It also contains that portion of the observations used to determine the positions of the remaining astronomical stations, from 30 to 42, included in the survey.

SAN ELIZARIO, TEXAS,

June 1, 1852.

SIR: It is not known here whether you will return to El Paso or not; but the weight of information, derived entirely from private sources, seems to favor the belief that you will pass from San Diego to Washington, and rejoin the commission below here. In case, however, you should return to El Paso, I write this letter to inform you briefly of what I have done since my arrival here, and what I propose to do until I have an interview with you.

On my arrival here my only official guide to action was your letter to my predecessor, Lieutenant Colonel Graham, dated September 9, 1852, stating the action of the joint commission, and defining the duties to be performed by the chief astronomer and surveyor on the side of Mexico, and by my predecessor on the part of the United States.

A survey of the river had been commenced by Colonel Graham at the initial point and prosecuted as far as the Paso del Norte, and an observatory partially erected at Frontera, and information given me by Col. Graham that Frontera, a cardinal point in the survey, had not yet been determined. I also found it necessary to resurvey the river down to Frontera.

An elaborate set of astronomical observations have been made at Frontera and San Elizario, the two points connected by flashes, and the position of Fort Fillmore determined; and with the exception of a few astronomical determinations, to be made by me on my way down the river, the whole survey is completed to the Presidio del Norte, a distance estimated (following the meanderings of the river) from three to five hundred miles.

One astronomical and one surveying party was also sent to Eagle Pass, on the 20th of December last, under Lieutenant Michler; and

his official report, dated April 29, informs that by the time of receiving his report, the survey will be completed to Loredó. If so, considerably more than one-third of the survey of the river is accomplished; and if sustained and supported, I have no doubt of closing the survey by the 4th of March, 1853.

In connexion with this subject I have earnestly to call your attention to the necessity of some change in the fiscal business of the commission, by which the chiefs of parties in the field may be supplied with money for necessary wants and to enable them to discharge unworthy and unserviceable men.

I have to inform you that, to enable me to accomplish this large amount of work, it was necessary to change the heads of surveying parties; indeed, it was necessary to do so to accomplish anything. I have also been obliged, in your absence, to take upon myself the responsibilities—all of which will be laid before you when we meet, and all of which I am satisfied will meet your entire concurrence.

Having accomplished all the work here over which I have any control or authority, and our provisions running low, I shall proceed to the Presidio del Norte, where I have an engagement to meet Mr. Salazar on the 1st August, and before which time it will be necessary for me to determine the latitude and longitude of that place.

There is much stuff, of no use to the commission, which, upon the recommendation of a board of survey, I have ordered, with some reservations, turned over, as recommended, to be sold at public sale. I send you a copy of the proceedings of the board; and should you at any time desire to reclaim the property, or any portion, turned over to Captain Bowman, it can be done on your order. If not claimed, I have no doubt the quartermaster's department of the army will repay the commission for everything on the list appropriated to the use of the army. Everything else, except the property left with Mr. Jacobs, and principal assistant Charles Radziminski and assistant Lawson, will be taken by me to the Presidio del Norte, or sent by one of the returning merchant trains to be put in depot at Leona.

I consider it of the last importance to the economy and well-being of the commission, now that all the work is finished in this vicinity, that the whole commission should move from the vicinity of El Paso, where it has been for so long a time, and I would like to send all down to the depot at Leona. But I leave Mr. Jacobs here, for the obvious reason that he is specially under your orders; and it is necessary for some authorized agent to be left behind to pay the accumulated debts of the commission.

I leave principal assistant Radziminski and the officers of his party and instruments, to await instructions in reference to any unfinished work that may have to be done west of the del Norte. I have no data in my possession, written or verbal, to show, at this time, what is finished and what is unfinished west of the del Norte, except the newspaper paragraphs, and can, therefore, only give hypothetical instructions to Mr. Radziminski, which may be modified to suit the exigencies of the case. Should you come here in my absence, or should I meet you down the river, his instructions will be redrafted from your suggestions. In the mean time he and his party must remain idle.

He cannot move west without an escort of a company of troops, and without money—five or ten thousand dollars. He can buy his provisions at Fort Fillmore at a much cheaper rate than can be transferred to him from the States. I have left him all the instruments and other property necessary to enable him to perform the duties which may be unfinished, and provided him for any contingencies that may happen. This same party can, at the same time it completes any unfinished portion of the survey, erect the monuments that may be directed by the joint commission; and as you will probably order the monuments from the States, the wagons which I take down can be used to bring them to the line, as I hope by that time to have carried the survey down to that part of the river where boats alone may be used.

I cannot close this letter without stating to you, in the strongest terms, the necessity of my being supplied, at the earliest day possible, with funds. The men have none of them been paid since July last, and are in a deplorable condition for the want of the necessaries of life, and subjected to have their paper shaved in the purchase of clothing, &c., from the merchants, which it is not reasonable to expect them to endure. Indeed, unless relieved by the time of reaching the Presidio del Norte, or Leona, it will not be possible to hold together the surveying parties. Should you not be able to furnish me with funds, I earnestly invite your attention to the necessity of devising means—by certifying the accounts of the men, or otherwise—to quiet apprehensions and insure ultimate payment by the government, and thus arrest the disagreeable scenes that must inevitably occur on the work, if things are allowed to proceed much longer without some satisfaction given to the men who have worked honestly and faithfully, and exposed themselves freely in a hostile Indian country, in the discharge of their duties.

Previous despatches will have informed you of my expedition, soon after getting here, to join your camp, and the reason why it was abandoned and a small party sent to seek you; and will also put you in possession of my estimate of funds required for the surveys assigned to the chief astronomer and surveyors on each side.

I have to inform you that, in pursuance of authority vested in me, in your absence, by letter from the Department of the Interior, dated April 8, 1852, I have, upon his application, relieved Lieutenant O. H. Tillinghast from the duty of quartermaster and commissary to the boundary commission, and appointed T. W. Tansill, esq., senior clerk and agent of the department, to act in his place.

Upon his own application to the Secretary of the Interior, approved by me, Second Lieutenant W. F. Smith, corps topographical engineers, has been relieved from duty with this commission.

Mr. Salazar, the Mexican astronomer and surveyor, who is also commissioner, has agreed to meet me at the Presidio del Norte, on the first of August, to sign the maps down to that point, and make final arrangements for the completion of the work below. He is now in Chihuahua, where he has been for the last month.

I have caused to be abandoned the ranche at Frontera, which was held at a high rent, and directed the public buildings at San Elizario

to be used for the purposes of the commission, thus securing the government against this prolific source of expenditure.

I have the honor to be your obedient servant,

W. H. EMORY,
Brevet Major, &c., Chief Astronomer M. C.

JOHN R. BARTLETT, Esq.,
U. S. Commissioner.

IN CAMP AT ALAMO MUCHO,
June 7, 1852.

SIR: It becomes my unexpected and painful duty to announce to you the sudden death by violence of Brevet Lieutenant Colonel L. S. Craig, commander of the boundary line escort, who was inhumanly shot by two deserters from Camp Yuma on the morning of the 6th instant.

The principal facts immediately connected with this sad occurrence are the following:

On the morning of the 5th instant, Lieutenant T. W. Sweeney came into our camp at Sackett's Wells, being in pursuit of deserters from the post situated at the junction of the rivers Gila and Colorado.

On breaking up camp in the evening to make our usual night march, in order to avoid the excessive heat of the season, Lieutenant Sweeney proceeded westward for the military station at Vallicito, and we proceeded eastward over the desert on our route for the Gila. Lieutenant Sweeney, on parting, observed that we might perhaps fall in with the deserters, as he supposed them to be still in his rear. Colonel Craig replied, if met he should endeavor to apprehend them.

The Colonel usually, on starting from and arriving at an encamping ground, was in advance somewhat of the commission. On the present occasion, from some unknown cause, his wagons were behind. For a short time, as you may remember, he rode by the side of your carretilla, evidently in fine spirits, and conversing on various topics suggested by the appearance of the country through which we were passing; he then fell to the rear, to notice how the train was progressing. This was the last I saw of him during life.

We continued travelling through the night, it being necessary from the destitution of water on the route, and the consequent liability to suffering on the part both of the men and animals, to proceed as expeditiously as possible as far as Captain Davidson's Wells, at the Alamo Mucho, (distant from 40 to 50 miles,) which we reached at seven o'clock on the morning of the 6th instant. Being much worn down by sickness and want of sleep, I stretched myself out under a covert of bushes to recruit a little. Shortly after, Sergeant Quin rode up, laboring under much excitement and agitation, inquired for me, and stated that the deserters had been met, and that they had either killed or severely wounded Colonel Craig.

It appears that the deserters were seen by Colonel Craig's party early on the morning of the 6th, when the Colonel called on them

to surrender, advising them who he was. This they refused to do, and moved onward. The Colonel followed, expostulating with them. They stated that they would never return to Fort Yuma; that they were well armed, knew how to use their arms, and would shoot any one who attempted to arrest them. After an offer, if they would peaceably surrender, to use his efforts to have them transferred to his own or some other command, and further ineffectual expostulations, the Colonel ordered Sergeant Quin, of his own command, and Sergeant Bale, who was in command of the six soldiers detailed by Colonel Magruder to accompany the commission as far as Fort Yuma, to join him and follow after the deserters; the train in the mean time moving onward. The Colonel and two sergeants, all mounted, proceeded after the deserters, who, though on foot, were moving off at a brisk pace. After going about five miles—the Colonel all the while endeavoring by conciliatory measures and mild language to induce them to return with him—they stopped, one of them drank the last remaining drop of water in his canteen, threw it upon the ground, and declared that he would not proceed a step further in this manner, but that he would either kill, or be killed by, his pursuers.

Upon their stopping, the Colonel dismounted, put aside his revolver and sword, and, thus unarmed, advanced towards them, evincing that he had neither a design nor desire to resort to coercive or violent measures, and remarking to them that he was as prepared then and there, as he could be at any time elsewhere, to sacrifice his life if they were resolved to take it. At this juncture the Colonel's mule unfortunately strayed off, and he ordered Sergeant Quin to go for it.

Soon after the sergeant left he heard a discharge of arms, and on turning he saw the Colonel fall and noticed that Sergeant Bale was missing. The deserters then made after him, intercepted his return to the Colonel, and discharged several shots at him, none of which took effect upon him; but one, he supposes, wounded the Colonel's mule, which he suffered to escape. Presuming that the Colonel and Sergeant B. were both overpowered, he thought it advisable, having eluded his pursuers, to push on to our camp, which he accordingly did. He conjectured the scene of the murderous attack was about 300 yards beyond or west of New River Crossing, and about 100 yards south of the road.

Upon this information, as surgeon to the escort, and as a friend to Colonel Craig, for whom I entertained a high respect on account of his military promptness and efficiency, and the humane feelings and sympathy I had repeated occasions of seeing him manifest for his men when sick or injured, I deemed it my duty to go out and search for him, although distant from the scene of action at least 25 or 30 miles. I therefore took charge of the ambulance which you caused to be prepared for the occasion, and was accompanied by the individuals detailed for the purpose, including Corporal Allen, my hospital steward, and Harchson, the Colonel's faithful attendant, who had been with him for fifteen years past. Lieutenant Whipple, as a particular friend of the Colonel's, expressed a desire to go, and it afforded me much satisfaction to have the company of a gentleman so well qualified to afford important aid in a case of emergency.

We left camp about one o'clock p. m., but did not reach the supposed vicinity of the scene of action until nearly ten o'clock, owing to the extreme heaviness of the road, and the wearied condition of the animals, who, when harnessed for the expedition, had but just come in from a 40-mile march, and had been allowed no time for rest or feed. We proceeded a mile or more beyond the New River Crossing, and there, as the moon was not up, we granted ourselves one hour's rest, which, short as the period was, proved quite acceptable to those of us who had suffered for several days past for the want of rest.

An express from Fort Yuma, on the way to San Diego, overtook us near here, which afforded me an opportunity to send intelligence to that place, Vallecito, San Isabel, &c., relative to the probable fate of Col. C., in order that suitable measures might be taken to apprehend the deserters, should they present themselves there. As the great object had in view by these men was to avoid being seized and taken back, I thought there was a possibility that they might have inflicted no more serious injury on the Colonel and Sergeant than would be necessary to prevent their continuing the pursuit—*e. g.*, the fracture of a leg. I therefore intended, after an examination of this vicinity, to proceed back as far as Sackett's Wells, (some 10 or 12 miles further west,) supposing, as that is the nearest point to water, they would very likely endeavor to reach the spot to allay excessive thirst. As the express kindly promised to visit the Wells and make suitable explorations there, I concluded to make, if necessary, a more thorough and minute search here, than could otherwise be done.

The moment the moon rose, we commenced our examination. The course pursued was to form a line of men stretching from the road, southward, or to the side the individuals were known to have gone, placing the persons at such distances from each other that the whole intervening space could be carefully observed. Wherever animal tracks were seen, they were critically examined; and if we remained in doubt about them, or there was reason for supposing they might be those of which we were in quest, we followed the trail until we became satisfied in regard to it. After pursuing this plan in several instances and for some time, and over much space, we detected hoof-marks, (both of horse and mule) which we felt quite satisfied were made by the animals whose course we were endeavoring to trace. Following the windings and turnings of these awhile, the Colonel's loose riding-coat was picked up; some time afterwards, his hat; and at length, about one mile off from the road, his corpse was discovered extended on the ground, and carefully covered over with a blanket. Upon examination, I found that he had been shot in the abdomen, the ball entering upon the left side, about midway between the groin and umbilicus, coursing along, among, and through a portion of the intestines, and passing out through the upper and exterior part of the thigh.

The musket had been loaded with buck and ball cartridge; and whilst the ball caused the internal mischief, the buck-shot and cartridge tore away the upper part of the pantaloons and other clothing, and ripped open the abdomen, so that a considerable portion of the bowels protruded from the wound. The scene was a sad and sickening one,

and produced a strong sensation upon all present, and particularly the Colonel's body servant.

It was evident from appearances that the Colonel did not long survive the wound inflicted, nor experience much, if any, severe suffering.

The ground around was as undisturbed as though he had quietly laid himself down to rest, and composedly gone to sleep. This must prove a source of consolation to his friends and relatives. Had he lingered along in the exposed situation where he was, there being neither tree nor shrub to afford shelter, his sufferings, as the sun got high in the heavens, would have been extreme, independent of what he might have undergone from the wound.

Not many feet distant we saw the dead body of Sergeant Bale's horse, which had been perforated by a musket-ball. The Sergeant was nowhere to be found. I became satisfied that he had left the ground, probably without being mortally wounded. He had evidently, previous to his departure, taken his own blanket from the saddle, and with it covered the remains of the Colonel, for men who would brutally murder a fellow-being, it was not for a moment to be presumed, would have the slightest regard for the appearance or protection of the mutilated relics. The corpse I caused to be carefully rolled up and placed in the ambulance, and at three o'clock on the morning of the 7th we mournfully commenced our return march. This was excessively fatiguing, inasmuch as in the course of the day we were exposed to a heat of 112° Fahrenheit, surrounded by dense clouds of dust, and enveloped in an atmosphere tainted by the decomposition which was rapidly going on. Our supply of water was very limited; so that hours before getting in, I dealt out to the men the last half-tumblerful which I could allow them, and to the mules the last quart each. After much anxiety lest our team should untimely give out, of which there were repeated strong indications, we, much to our relief, reached once more the encampment at Alamo Mucho.

After proceeding about ten miles on our way back, we noticed ahead of us a man reclining by the road-side, and on reaching him, much to my satisfaction, he proved to be the missing sergeant. From him I learned the following additional particulars:

When he joined the Colonel, he was told the purpose for which he was summoned; and upon some inquiry being addressed to him, he stated that whilst ready to obey orders, from his knowledge of the desperate character of the deserters, he was confident they would not be taken without bloodshed. However, as already observed, the Colonel's feelings of kindness outweighed all apprehension of danger, if he entertained any, and overbalanced all regard for self-protection. Having completely disarmed himself, and lessened his security still further by sending his sergeant for the stray mule, one of the deserters (Corporal Hays) said to the other, (private Condon,) "Now is our chance, as there is only a man apiece;" whereupon they levelled their muskets, took deliberate aim, and fired. Hays, who shot the Colonel, was within five feet of him; his musket contained an extra charge of buck-shot.

The buck-shot from Condon's musket passed through the calf of Sergeant Bale's leg: the ball at the same time pierced the body of the horse which he was riding. He discharged two or three shots from

the Colonel's revolver, but the prancing of the animal, under the wound received, prevented true aim being taken. The horse almost immediately fell, and before the Sergeant could disentangle himself from the trappings, the deserters caught hold of him and wrenched away the revolver; but promised to inflict no additional injury upon him if he would remain quiet, which, under existing circumstances, he very properly engaged to do. He asked them to allow him to go to the Colonel, to which they did not object. They inquired if the Colonel had not some brandy with him. He replied, probably not, the Colonel not being a drinking man. However, they went to the body ere life had left it, and searched, and probably rifled, the pockets, as some small articles known to have belonged to the Colonel have not since been found.

They then turned in pursuit of Sergeant Quin, discharging several shots at him; their object probably being to obtain the two mules. Quin, as already remarked, effected his escape with his own animal; but they secured the Colonel's, both mounted it, and made directly for the mountains

The Colonel survived his wound about ten minutes, but neither uttered a word nor took notice of anything. The murder took place about 8 o'clock. Sergeant Bale remained by the corpse an hour or more, naturally supposing that some one of the party or train they had so recently left would return. Being disappointed in this particular, and the sun's heat becoming oppressive, he covered the body as well as his means would allow, and left, taking with him his own arms, which the deserters did not see, they being covered by the horse in falling, and also the Colonel's sword; these he was afterwards obliged to leave, but secreted them in such a manner that they can be hereafter recovered. He endeavored to strike for the road; but being somewhat bewildered, he missed the true direction and wandered about without food or drink until the next morning, when he was picked up by us. His thirst was excessive, and the necessity of alleviating this was one reason for my placing the party on the very short allowance that I did. It was my intention to make a minute post mortem examination of the body, but I found that decomposition had too rapidly progressed to enable me to do anything that would prove satisfactory.

My object in bringing the corpse to camp was in order, if possible, to have it conveyed to Fort Yuma for burial with military honors, but under existing circumstances I considered it imperative on me to advise an interment before leaving Alamo Mucho. As the funeral ceremonies took place under your immediate supervision, it is unnecessary for me to furnish a detail of the proceedings. I will merely state that for the more ready identification of the spot where the remains were deposited, as the intention is to have them at some future period exhumed and carried to San Diego, thence to be transported whithersoever his family may desire, a wooden cross was erected at the head of the grave, whereon was inscribed, "Bvt. Lt. Col. L. S. Craig, U. S. A.; died June 6, 1852."

I have thus given the essential particulars of this sad occurrence; not, to be sure, in the clear, concise, and methodical manner that to me would be desirable, for the fatigue under which I have unavoidably la-

bored, and the numerous and varied calls upon my time and attention, have been such as to prevent my writing in other than a loose and hasty, though I trust an intelligible, style.

Sympathising with the relatives and numerous friends of the deceased at their sad bereavement, and regretting that the army should be in such an abrupt and unjustifiable manner deprived of the valuable services of so excellent a disciplinarian and efficient and humane officer, at a time when, in an especial manner, the precept and example of such are so essentially necessary, it must be gratifying to all that he died as a good and brave soldier will always desire to—at his post, faithfully discharging his duty.

I remain, very respectfully, yours,

THOMAS H. WEBB,

*One of the Physicians to the Boundary Commission,
and Acting Assistant Surgeon U. S. Army.*

HON. JOHN R. BARTLETT,
Commissioner, &c., &c.

WASHINGTON, D. C.,
June 10, 1852.

SIR: In compliance with your instructions of May 25, I have the honor to state that I have closed up the work with which I have been charged, connected with the commission to run the boundary between the United States and Mexico.

The maps and notes, a catalogue of which is herewith enclosed, have been securely boxed, and are now ready to be delivered to the department. The notes being mostly in duplicate, have been placed in separate boxes, in order that they may be deposited in different buildings, which will add to their security by diminishing the risk of loss by fire. They are all addressed to Major W. H. Emory, who had charge of this portion of the work, and I request, therefore, that they be delivered only to him in person or upon his written order.

The furniture of the office, consisting of three desks, two drawing tables, drawing instruments and inkstands, four chairs, five window-blinds, carpet and matting, wash-stand and bowl, will also be turned over to whoever may be designated to receive the same.

I am, sir, very respectfully, your obedient servant,

EDM'D L. F. HARDCASTLE,

Brevet Captain U. S. Army.

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

In box No. 3, marked "Major W. H. Emory, United States Topographical Engineers; maps and sketches of boundary between the United States and Mexico, under the treaty of Guadalupe Hidalgo, from junction of Gila and Colorado rivers to Pacific coast."

Lithograph map of New San Diego.

Duplicate of the above.

Plan of Gila city, (colored manuscript.)

Plans du Port de San Diego et de San Blas, (engraving.)

Côte Nord Ouest de l'Amérique—Vancouver—(engraving.)

West coast of North America—Dulce to San Diego—(engraving.)

Plans A and B—Gray's map of Mexican boundary from Pacific to junction of Gila and Colorado—(signed by commissioners.)

Southern part of port of San Diego, &c., (original by Gray.)

Duplicate lithograph copy of the above.

Sheets Nos. 1, 2, 3, 4, 5, and 6, of original sketches of topography on Mexican boundary from initial point, on Pacific, towards junction of Gila and Colorado.

Tracing of topography of Mexican boundary from junction of Gila and Colorado westwardly. Duplicate tracing of the above.

Duplicate of the above, (on two sheets drawing paper.)

Seven sheets (on protractor paper) containing miscellaneous sketches of topography on or near Mexican boundary line.

Four sheets, drawings of monuments.

Four tracings of monuments.

Tracing sketch of Colorado river from junction with Gila to the mouth of the Colorado.

Tracing from a map by Lieutenant Derby of the Colorado river from the junction with the Gila to the mouth of Colorado. (This map is wrong—see note on map.)

Small general sketch, by Lieutenant Coutts, from the junction of Gila and Colorado to the Pacific, (on yellow paper.)

Thirteen small miscellaneous sketches of topography on or near Mexican boundary line. Sketch view of outline of Tecate mountain, and sketch view of scenery at crossing of Colorado, (near Fort Defiance.)

Letter respecting Colorado river, by J. L. Leconte.

Map of reconnaissance from junction of Gila and Colorado rivers to San Diego, (from original notes of Captain Hardcastle.)

Sheet containing preliminary rough sketch for the above.

Plans de la Rade de Bornes et du Monillage de Cavallare. (Engraving belonging to Topographical Bureau.)

Preliminary sketch-map for No. 3 sheet, Mexican boundary line. (By Preuss.)

Sheet No. 1 (of first or "rough" set) Mexican boundary line, from initial point on Pacific, eastwardly, (finished.)

Sheet No. 2 (of ditto) do. do. (very incomplete.)

Sheet No. 3 (of ditto) do. do. (in a very advanced state.)

Sheet No. 4 (of ditto) do. do. (projected and commenced.)

Junction sheet (of ditto) Mexican boundary line, from the junction of Gila and Colorado; westwardly, (finished.)

Sheet No. 1 (of "finished" set) Mexican boundary line, from initial point on Pacific, eastwardly, (commenced.)

Sheet No. 2 (of ditto) ; do. do. (nearly completed.)

Sheet No. 3 (of ditto) ; do. do. (merely projected.)

Sheet No. 4 (of ditto) ; do. do. (merely projected.)

Rough sheet of the whole of Mexican boundary line, from the Pacific to the Gila, with vicinity, in pencil, unfinished.

Sheet for general map (finished set) of whole line, Pacific to Rio Gila, (merely projected.)

Three sheets of blank backed paper, not fit for finished work.

Paper containing list of corrected latitude and longitude, &c., on the Mexican boundary, between the Pacific and Rio Gila.

EDM'D L. F. HARDCASTLE,

Brevet Captain U. S. Army.

WASHINGTON, D. C., June 8, 1852.

SAN ELIZARIO, June 10, 1852.

SIR: I have the satisfaction to report to you that all the astronomical determinations on this division of the boundary survey are completed, and that the survey itself was completed on the 15th May to the Presidio del Norte, a distance, measured by the windings of the river, of from three to five hundred miles, and that a large division of the work, beginning at Eagle Pass, has also been completed. The officer in charge of that section of the work informs me he had got as far down as Loredo, and would soon be at Ringgold barracks.

I am now on my way to the Presidio del Norte, to make the necessary astronomical observations at that point, and to refit the party which is to finish the difficult piece of work lying between that point and Eagle Pass. I am detained here a few days, transferring property and recording and certifying the debts of the commission, so that no complication of accounts shall ensue or false debts be raised against the commission on our account.

I have the honor to enclose you the report of the officer (M. Von Hippel) who is in charge of the surveying party operating below the Presidio del Norte, to show you the difficulties under which we labor for the want of the proper organization of our fiscal concerns, and the justness of the change recommended by me. I have also the honor to enclose you the copy of a communication, which I leave at El Paso for the commissioner, should he pass this way; but as I have now given up all hopes of meeting him for some time, I beg to call your attention particularly to this report, by which you will obtain a general view of my operations and the pressing wants of the commission.

It will be seen by this report that I have reduced every expenditure to the lowest point, and made arrangements for leaving here to meet every possible contingency.

I have discharged all the men of the parties that will be left here to await the action of the commissioner. In addition to the necessity of leaving Mr. Radziminski behind for the purpose of closing any business

that may be found unfinished after an interview with the commissioner, I also deem it necessary, although at inconvenience to the survey, to leave behind some recognised agent of the department as a guarantee to the citizens here, who have liberally and patriotically furnished us with supplies, that the debts due them will not be neglected.

In a previous despatch I informed you of our want of arms. Through the kindness of Colonel Sumner, commanding the 9th military department, I have this moment received forty rifles and the necessary ammunition—sufficient for the use of the commission.

I have the honor to be your obedient servant,

W. H. EMORY,

*Brevet Major U. S. A., Chief Astronomer and Surveyor,
U. S. Boundary Commission.*

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

CAMP NEAR PRESIDIO DEL NORTE,

May 15, 1852.

SIR: The forlorn condition in which I find myself and the party under my charge, compels me to send to you without delay an express of only three men, (whatever may be the risk to which they will be exposed,) in order that you may be informed as soon as possible of my situation, and afford me the means for improving the same.

After uninterrupted and continued labor from my camp below the San Antonio road—and the survey of the Rio Grande, notwithstanding the many natural obstacles, having been up to this point completed—I find myself one hundred and fifty miles from any place where I could procure one of the many articles necessary for the immediate use of myself and party, such as boots and shoes, and, in fact, almost every article of clothing, they having been worn out in the arduous duties in which we have been engaged, and our original stock having been necessarily small, from a lack of money and transportation.

I am exceedingly disappointed in finding that no money has been sent to this point for my use; and I am compelled, for the want of a very small sum, to retain in my camp three of the Mexican packers, recommended by Mr. Magoffin, who have already proved themselves thieves, and of whom I should rid myself immediately, and thus save both their pay and rations, as well as the danger of further depredations upon us by stealing our mules, had I the means of paying them off.

This is a source of great trouble with me, as you can readily conceive; and I know not well how to guard the government property in my charge, near a town filled with a starving population, many of whom are represented as the most expert horse thieves in Mexico, and at the same time, from want of money, be obliged to keep in my own camp those who will endeavor to yield them every assistance in stealing our mules. Under the existing circumstances, if I should be so unfortunate, notwithstanding my best endeavors, as to lose any of

the government property, I shall feel that no blame can be justly attributed to me.

With regard to continuing the survey at present beyond this point, it will be impossible. The trail over which the pack-mules have come, in many places so impracticable as to result in the overturning of the mules and landing them in the valley below, although it has not caused the death of any of the mules, has been the means of breaking much of the mess furniture, cooking utensils, and camp tools; and on my arrival here I find that Mr. Spencer has nothing but our mere subsistence; and the purchase of any article here, with the exception of muscal, is impossible.

We find that the flour brought by Mr. Spencer to Presidio del Norte is almost unfit for use. It cannot be purchased at any price.

The importance of affording you the earliest possible means of knowing the situation of myself and party, as well as acquainting you before your departure from Frontera of the necessity of trusting to your own and the government resources for every article of necessity or comfort for yourself and those who may accompany you, induces me to hasten the express, and compels me to delay the quarterly returns and reports called for by your orders dated December 24 and January 8, respectively.

I would respectfully recommend that, by the return express, such articles as can be most easily carried and are necessary should be sent by the bearer of this letter, or that he may be furnished with the money to purchase the same, and thus save the men from paying the one hundred per cent. extra charge to which they have heretofore been subjected.

I am, very respectfully, your obedient servant,

M. VON HIPPEL,
Assistant U. S. Boundary Survey.

Major W. H. EMORY,
Chief Astr. and Head of Scien. Corps, U. S. & M. B. S.

[No. 39.]

MEXICAN BOUNDARY COMMISSION,
Camp Yuma, Colorado River, June 11, 1852.

SIR: I have the honor to report the arrival of that portion of the boundary commission charged with the survey of the River Gila at this place from San Diego. The march has been attended with some accidents to our wagons and mules, owing to the bad condition of the road and difficulties of crossing the desert. It has also been attended with a sad and afflicting calamity, which has cast a gloom over all—this is, the death of Brevet Lieutenant Colonel Craig, the excellent and efficient commander of the escort, which took place on the 6th inst., when midway across the great desert. As all the circumstances connected with this melancholy event will be interesting to the department and to the friends of a brave and distinguished officer, I here relate them as set forth in my journal.

On the 6th of June, when encamped on the desert between the

Colorado and the settlements, Lieutenant Sweeney met us from Camp Yuma. He informed me that he was in pursuit of two deserters, who were doubtless still on the desert. We left camp at 7 o'clock p. m., being compelled to travel at night in consequence of the excessive heat of the day. I left in advance, as usual, as soon as the wagons were ready, Colonel Craig riding at my side for an hour and a half, when, the road becoming very heavy, and the wagons in consequence making but slow progress, the Colonel left me and fell back. During the night various gentlemen of the commission joined me, reporting how the train progressed. This was to be our longest march without stopping, it being about fifty miles to the next well on the desert, which it was necessary to reach as early as possible. I accordingly pushed on in company with the pack-mules, whose speed was much greater than that of the wagons, and reached the well at *Alamo Mucho* at 7 o'clock, having been just twelve hours on the march.

Two hours after my arrival with the pack-mules, others of the party came in, and among them Mr. Malcolm Seaton, who reported to me that about break of day the party had fallen in with the two deserters of whom Lieutenant Sweeney was in pursuit; that Colonel Craig, having at once recognised them by their dress and muskets, spoke to them and asked where they were going. They replied, to *Vallecito*. The Colonel told them he knew that they were deserters from Camp Yuma, and advised them to return with him. They parleyed awhile, when they told the Colonel that they would not return; that they were desperate, and would shoot any one who attempted to arrest them. The Colonel then called for Sergeant Quin, of his command, and Sergeant Bale, the non-commissioned officer in command of the six men furnished me by Colonel Magruder, who, with the other soldiers, were with the wagons. Mr. Seaton then left, and came on with the train, under the impression that Colonel Craig did not wish for more aid, and that he could by persuasion induce the men referred to to return. There were eight privates, in addition to the non-commissioned officers, on whom he could have called had he deemed their aid and presence necessary.

About an hour after, Sergeant Quin rode into camp in a state of great excitement, and related the following particulars. That he and Sergeant Bale left the train according to Colonel Craig's orders, and joined him in pursuit of the two deserters. That they soon came up with them, when the latter stopped and said they would go no further; that they must settle the business there. Colonel Craig again expostulated with them, and used the most persuasive language to induce them to surrender themselves and return with him to Camp Yuma. They said that they would not return to that post. The Colonel then told them if they could not live there, he would endeavor to have them assigned to his command, if they would quietly return. He then dismounted from his mule and handed his six-shooter to Sergeant Bale, at the same time throwing off his sabre. Thus disarmed, he approached the deserters, telling them who he was, showing them that he had disarmed himself, and intended taking no violent measures towards them. He still believed that when he pictured to them the difficulties before them in

crossing the desert, and by using mild and persuasive measures, he could prevail on them to return with him.

At this moment his mule, being without his rider, moved off, when the Colonel directed Sergeant Quin to stop him. The Sergeant did so, and thereby separated himself by a few rods from the Colonel and the other sergeant. He now heard the discharges of muskets; and looking around, saw Colonel Craig fall. The next moment he saw Sergeant Bale rapidly discharging his six-shooter at the deserters, his horse at the same time prancing about and raising a dust. He immediately ran towards Colonel Craig; but before reaching him, received the fire of the deserters himself. He could then see nothing of either Sergeant Bale or his horse. Believing them to have been disabled or killed, and the deserters having fired four shots at him, he made his way off as fast as possible to my camp, at the well of *Alamo Mucho*, in advance of the wagons.

Immediately on the arrival of the wagons, I discharged the ambulance and prepared it to return with a party in search of Colonel Craig and the missing sergeant, and placed it under the charge of Dr. Thos. H. Webb—Lieutenant Whipple and others accompanying him. Bedding, clothing, water and provisions, were placed in the ambulance.

Although we were in the midst of the desert, unprotected by a tree or shrub, without food for our animals, save a very little corn, (the last of which we then distributed,) and with a broiling sun pouring down on us, I felt it my duty to await the return of Dr. Webb, hoping that Colonel Craig might be brought in alive. We therefore remained in camp all this day and the following night. The next day, at about 1 o'clock p. m., the party returned, bringing the dead body of Colonel Craig, and Sergeant Bale disabled by two buckshot wounds. For other particulars of this sad narrative, I refer you to the accompanying letter of Dr. Webb.

I was desirous to take the body of Colonel Craig to Fort Yuma and have it buried with funeral honors; but Doctor Webb reported that it was impracticable, owing to its rapid decomposition, as it would require two, if not three, days to reach this post. The body was therefore deposited in a deep grave near the road, on the desert, at sunset, the burial service being read. At 8 o'clock p. m., the commission moved on, and the second day after reached Fort Yuma.

An express rider, on his way from Fort Yuma to San Diego, encamped with the commission on the day the events above related took place. This man overtook Doctor Webb near the spot where the transactions referred to took place, and when he was searching for Colonel Craig and Sergeant Bale. They had then been missing twenty-four hours; and as there was every reason to apprehend that they must have perished, Doctor Webb sent word to Colonel Magruder, the commanding officer at San Diego, as well as to Lieutenant Sweeney, who was in pursuit of the deserters, and to Lieutenant Murray, in charge of the government depot at Vallecito, in order that steps might be immediately taken to arouse the whole population and arrest the murderers.

On reaching the Colorado river, with the commission, I found there was a great rise in it—the banks being overflowed and large sluices

filled with water, which nearly surrounded the military post. The road, which follows the banks of the river for twelve miles, being washed away in many places, we were compelled to cut a passage with axes through the wood which covered the river-bottom before we could reach a safe place to encamp. As soon as Major Heintzelman discovered our approach he sent men and boats to our assistance, to transport us over the sluices. Availing myself of these facilities, I proceeded, with some of the officers, to the post, where I met with a warm reception from Major Heintzelman and the officers stationed here. As it required as much labor and risk to cross the sluices as to cross the Colorado, I directed the party to remain where they were, until I could make arrangements for crossing the river. The high state of the water, and the rapidity of the stream, which, below the junction with the Gila, is much contracted, render the crossing a matter of great labor and some hazard.

The stream is usually crossed by swimming the animals over, and for the greater part of the year they can wade it; but it is now so much swollen, and rushes by with such velocity, that it would be impossible to take the animals over except in boats. With all the men that can be put to the oars the current cannot be stemmed; but the boat is swept along two miles, or more, before it can be secured on the opposite shore. This unexpected obstacle will cause a detention here of five or six days, as there is no ferry-boat, and but one indifferent scow, that can be used. But, in order that as little time as possible shall be lost, I have directed Lieutenant Whipple, with his assistants, to be first removed across; and by this evening, should no accident occur, they will all be over, ready to commence operations in the morning. Whilst the survey is going on, I shall cross with the wagons, mules, and remainder of the commission, and then move some twelve or fifteen miles up the Gila—the nearest point where there is said to be grass—and there wait until the engineering party shall have reached me.

June 12.—I regret to be obliged, so early after our start, to record one of those disasters to which we have been, now are, and shall continue to be subjected, while among hostile tribes of Indians. I have just been informed that a band of Indians, supposed to be Yumas; entered the camp of the commission, last night, and ran off fifteen mules and one horse; the latter a very valuable animal, turned over to me by Mr. Gray. Parties have been sent off in pursuit; but I have no expectation of recovering any, unless, during the darkness of the night, they may have strayed from their captors. The loss of so much of our means of transportation will embarrass me much, for it is impossible to replace them here. Many of the party will, therefore, be compelled to commence the journey on foot.

Before closing this despatch, I feel it my duty to make known to the department the obligations I am under to certain officers of the army, in California, who have rendered essential aid to the commission, and without which it would have been impossible for me to have undertaken the survey of the Gila, yet to be made. To Lieutenant A. R. Eddy, in charge of the United States subsistence department at San Diego, I am indebted for provisions, furnished at cost and charges;

and to Lieutenant Colonel J. B. Magruder, the officer in command at San Diego, for permitting the mules and horses to be shod, and the wagons to be repaired, by his mechanics.

The blacksmiths, carpenters, and other mechanics, brought across by the commission, left it immediately on its arrival at San Diego, and there were none in that place, or in any town within one hundred and fifty miles of it, who could do our work. The facilities, therefore, extended to me by Colonel Magruder, were of the greatest importance.

I also acknowledge the facilities for repairing our wagons, and aid in crossing the Colorado, extended to me by Major Heintzelman, the energetic and efficient officer commanding at Fort Yuma; my indebtedness to him and to Major Andrews, the quartermaster, and Lieutenant Page, for numerous attentions and kindnesses extended to myself and the commission during our tarry here.

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, Washington, D. C.

MEXICAN B. C., IN CAMP AT THE PIMOS VILLAGES
Rio Grande, July 9, 1852.

SIR: I have the honor to announce to the Department of the Interior that the survey of the boundary line between the United States and the republic of Mexico, running along the river Gila, was completed on the 1st of July by the party under charge of Lieutenant Whipple, assistant astronomer.

A copy of the field-book containing a plotted map of that portion of the river lately surveyed, and of books containing the astronomical observations, are herewith transmitted to the department, to be placed with those sent from San Diego, for safe-keeping.

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, Washington.

CAMP OPPOSITE PRESIDIO DEL NORTE,
July 10, 1852.

SIR: I have the honor to report my arrival here, in pursuance of my engagement with the Mexican commissioner and surveyor, who has not arrived, but who is, I understand, about starting for this place from Chihuahua.

No tidings have yet reached me of the American commissioner, nor have I yet received any answer to my urgent requests for funds.

All the astronomical observations and the survey have been completed to this point, and a very large section of work accomplished on the Lower Rio Grande, of which I have not yet received specific accounts.

The surveying party here has been detained for one month, in consequence of the want of funds; and the chief has not deemed it advisable to attempt to take his party in the field, as they have not been paid off for upwards of a year, and are, in consequence, in want of the common necessaries of life, and have in prospect the most arduous and difficult work in anticipation. Not one settlement or point of support exists between this place and Eagle Pass, a distance estimated by the cañon of the river to be five hundred miles. I will send out a party to intercept the mail which leaves San Antonio on the 1st of July, in hopes of receiving relief, and shall defer making an issue with the men until I learn the result. The best and most useful are those who are most dissatisfied; and should they conclude they have worked long enough without payment, I have no means of forcing them to work or supplying their places.

Should it unfortunately be the case that no appropriation has been made by Congress, I beg specific instructions may be sent me by express, stating what course is to be pursued in reference to the men and the debts due them, and that these instructions may be of such a nature that they can be read to them, and allay all apprehensions of ultimate payment.

I have the honor to be your obedient servant,

W. H. EMORY,

Bvt. Major U. S. A., Chief Astr. and Surveyor U. S. B. C.

Hon. A. H. H. STUART,

Secretary of the Interior, Washington, D. C.

CAMP SUMNER,

Opposite Presidio del Norte, Mexico, July 17, 1852.

SIR: I have the honor to enclose, herewith, for the Fifth Auditor, my final return for quartermaster's property, which I received from Major Belger, October 13, 1851, and for which, I am informed by letter from Gen. Jesup of the 15th of June, 1852, a copy of which is enclosed, I am to account to the Department of the Interior, in consequence of an arrangement having been made to pay for the same from the appropriation for running and marking the United States boundary line.

It will be seen, from the return, I have turned over all the property remaining in hand to Acting Quartermaster T. W. Tansill, esq.; and I would most respectfully call the attention of the Secretary to my return for the 4th quarter 1851, which I understand has been transferred to the department by the Quartermaster General, by which it will be found that the greater portion of the property received from

Major Belger, at San Antonio, was transferred to Colonel J. D. Graham, as per his receipts of December 12, 1851, and has no doubt been returned to the quartermaster at San Antonio, from whom I received it, and therefore is not properly chargeable to the boundary commission.

It will also be seen, by the return for the 4th quarter 1851, that some of the property turned over to T. W. Tansill, esq., July 16, was received from Colonel J. D. Graham, and not from the quartermaster at San Antonio.

I have the honor to be your obedient servant,

W. H. EMORY,

Bvt. Major U. S. A., Chief Astr. and Surveyor U. S. B. C.

HON. ALEX. H. H. STUART,

Secretary of the Interior.

CAMP OPPOSITE PRESIDIO DEL NORTE,

July 23, 1852.

SIR: I have the honor to acknowledge the receipt of your communication of the 11th and 12th June. The arrival of the authority to draw money was very opportune, as one of the surveying parties, headed by a foreigner, had refused to progress further with the work: first, on the alleged ground of insufficiency of wages, and not having been paid off for so long a time; and, second, on the ground of the insufficiency of the escort, and the danger of being killed by the Indians.

I have given discharges to the chief of the party and two or three of the disaffected men, and harmony and good discipline are restored.

I have already apprized you of the completion of the work to this point. In a few weeks I shall have finished all the astronomical observations necessary to be made here.

Enclosed is a copy of a letter from Lieutenant Michler, operating near Eagle Pass, by which it will be seen that the lower division of the work is also progressing satisfactorily.

The difficulties between that point and this are so great, that I have turned his party in this direction, to work up the river until it meets the party working from here.

The bed of the river, for a large portion of the distance, is located in great chasms of vertical rocks, is full of rapids and falls, and has never been traversed by white men, though many attempts have been made.

It is also the great stronghold where the Kioways, Comanches, and Apaches assemble preparatory to their annual descents on the northern States of Mexico. I am told by Mr. Salazar that the Mexican authorities have authentic accounts at this moment of six hundred Comanche warriors being assembled at the Laguna Joca, near the boundary, preparing for a foray into Durango.

I shall send a very choice party of men down the river, and propose to supply it by a party with pack-animals. The only path by which it can be supplied lies in Mexican territory and through the Indian country.

I respectfully request that a company of dragoons may be sent to the

Presidio del Norte, to follow on the trail of this party, and support it in its operations. The duty would only be temporary, not lasting more than three months, and would be nothing more than healthy exercise for some of the troops in Texas.

In virtue of authority vested in me, in the absence of the commissioner, I have appointed T. W. Tansill quartermaster and commissary of the commission, the services of Mr. Ingraham, whom I had previously named for this office, being, by the new condition of things here, absolutely required for the astronomical and surveying duties of the commission.

To meet the pressing wants of the commission, I have, in the absence of the commissioner, in virtue of authority vested in me by your letter of the 11th June, drawn two drafts in favor of T. W. Tansill, esq., quartermaster and commissary of the boundary commission, bearing date July 22, 1852—one for *four thousand and sixty-nine dollars*, the other for *twelve hundred dollars*—which I have ordered him to disburse on accounts approved by me.

Mr. Salazar, the acting Mexican commissioner and surveyor, arrived here yesterday, but, I am sorry to say, not escorted or equipped to keep pace with our operations.

I have the honor to be your obedient servant,

W. H. EMORY,

Bvt. Major U. S. A., Chief Astr. and Surveyor U. S. B. C.

Hon. A. H. H. STUART,

Secretary of the Interior.

WASHINGTON CITY, *June 29, 1852.*

MY DEAR SIR: I herewith enclose a communication from the senators and representatives from the State of Texas, dated June 28, 1852, alleging a mistake in fixing the initial point of the boundary on the Rio Grande between New Mexico and Mexico, as established by the joint commission now engaged in surveying said boundary line, and asking that the same may be corrected.

I will thank you, after perusal of the letter, to return it to me, that I may lay it before the Secretary of State; and that you will also state to me whether the allegations contained in the letter are true.

I have the honor to be your obedient servant,

MILLARD FILLMORE.

The SECRETARY OF THE INTERIOR.

WASHINGTON, *June 28, 1852.*

SIR: Having understood that a Mexican minister has arrived, invested with power to treat upon the subject of a right of way through Mexico, by the Tehuantepec route, we deem the present to be a proper

occasion to address you respecting the boundary line between the United States and that country.

The importance of a channel of speedy communication between the Atlantic and Pacific oceans, through our own territory, must be obvious to every one, and the route via El Paso and the Gila river is not only the most practicable, but the one upon which a railroad can be constructed at the least expense.

From information emanating from the commissioner engaged in running the boundary line between the United States and Mexico, we feel assured that, unless otherwise instructed, that officer will depart from the obvious provisions of the treaty of Guadalupe Hidalgo, by agreeing to a line between the rivers Rio Grande and Gila by which this country will be deprived of a large extent of valuable territory that rightfully belongs to it, under the terms of the treaty above named, and which can only be ceded to Mexico by the treaty-making power.

According to the treaty before mentioned, the line to which we allude can have no other proper place of beginning than at a point immediately north of the town of El Paso. It will be seen, on reference to the report of the Secretary of the Interior, that Mr. Bartlett, notwithstanding the protest of the surveyor on the part of the United States, has agreed to a point of beginning more than thirty miles higher up the river than the one plainly designated in the treaty. Nor would the loss of territory be the only injury inflicted by the proposed course, inasmuch as it would necessarily create a most serious impediment to the construction of a road to the Pacific ocean at any future time.

The commissioner exceeded his authority in attempting to correct the latitude and longitude of the map called for by the treaty, when, in fact, there is no reference in that instrument to parallels of latitude or longitude, but abundant references to permanent natural objects upon the earth's surface. The treaty declares that the southern and western boundaries of New Mexico are those laid down in the map of Disturnell, which was made a part of the treaty. When the scale of the map is taken, this point is found to be about eight miles north of the town of Paso. Nor is this the only method of arriving with certainty at the initial point. In conformity with the point determined by the scale of the map, as the place of beginning, there is laid down the Saline ("La Salinera,"") which is also eight miles above Paso, and a place noted for having supplied the country with salt for many years, which was identified at once by the United States engineer.

The old Spanish fort is found corresponding with its location on the map, also. It is believed that these, independently of many other facts which might be stated, fix the initial point beyond controversy.

Mr. Bartlett, without the approbation of the United States surveyor, began his line about thirty-four miles north of the point thus fixed by the treaty. We submit that the joint commission had no power to change the initial point settled by the treaty, and that any act on their part, assuming to do so, is void. The joint commission can no more do this than make a new treaty. It is altogether beyond the limit of its power. This act of the commissioner defeats the only object of making Disturnell's map a part of the treaty, which was to avoid the necessity of inquiring into the true southern boundary of New Mexico,

or the position of the initial point upon the surface of the earth with reference to latitude and longitude.

Against these acts of Mr. Commissioner Bartlett we respectfully but earnestly protest, and trust that you will see the necessity of instructing him at an early day to correct the great error into which he has fallen.

In connexion with this subject, we ask leave, with great deference, to suggest that a much better route for a road than the one in view might be selected a few miles to the southward of the true boundary line between the United States and Mexico; and that inasmuch as such a work would operate very beneficially for Mexico in protecting her northern frontier from Indian depredations, we are inclined to believe that, for a consideration—small, when the importance to the United States of the object to be attained is considered—Mexico might be induced to grant the right of way in question.

With great respect, your obedient servants,

THOS. J. RUSK.
SAM HOUSTON.
V. E. HOWARD.
R. SCURRY.

His Excellency the PRESIDENT OF THE UNITED STATES.

[No. 45.]

MEXICAN BOUNDARY COMMISSION,

El Paso del Norte, Texas, August, 1852.

SIR: The day after my return here from the Gila the mail-riding left for Santa Fe, giving me time only to make known to the department this fact. I now avail myself of the opportunity offered, by a train leaving for San Antonio, to present some details of my journey from San Diego.

I had the honor to address you from Fort Yuma, at the junction of the Gila with the Colorado, on the 11th and 15th of June, giving the particulars of our march to that place, and of the difficulties attending the passage of that river, then greatly swollen and running with considerable rapidity. From three experiments made by Major Heintzelman and myself, its velocity was found to be five and a quarter miles an hour.

At the Colorado I caused Lieutenant Whipple, with the surveying party, to be first crossed over, in order that he might at once begin work. He was accompanied by the escort of twenty-seven men, under Lieutenant Page, furnished me by Major Heintzelman. After completing the repairs on the wagons, I followed, and continuing near the surveying party, encamped with it on the banks of the Gila, about twenty-five miles from its mouth. As the grass was exceedingly scanty along the bottoms of this stream, and it being necessary to feed our mules chiefly on willows and the beans of the mezquite tree, I thought it most prudent to proceed, without delay, up the river to the vicinity of the Pino and Coco-Maricopa villages, taking with me all not necessary for the survey, and there await the arrival of the surveying party. At this point we should find plenty of vegetables, which

were becoming very necessary for the health of the party, and an abundance of grass, equally necessary for recruiting our suffering animals. Leaving Lieutenant Whipple, therefore, the escort he wished for the protection of his party, I proceeded towards the place named, which I reached, by easy marches, in safety.

On this march of 190 or 200 miles from the Colorado to the first Coco-Maricopa village we met no Indians, nor was the journey marked by any event of moment save that of seeing the remains of a party of American emigrants who were murdered in March, 1851. The particulars of this melancholy affair, as related to me by Major Heintzelman, and subsequently by the Coco-Maricopas, are briefly these:

A party of American emigrants, bound for California, stopped at the Maricopa villages for a few days. Without waiting for the rest of the party, and contrary to their advice, one of them, a Mr. Oatman, set off in advance, with his family, embracing his wife and children. He had with him one or more wagons and a considerable quantity of goods, chiefly for the purpose of purchasing what his necessities would require, from such Indians as he might fall in with. Some days after his departure, his son, a lad about twelve years of age, returned to the friends he had left at the Maricopa villages, with the news that his father and mother (whether more or not I do not remember) had been murdered by the Indians, and all their animals and other property taken; that his two sisters, twelve to fifteen years of age, had been carried off by the assailants; and that he was beaten and left for dead. On resuscitating, he saw the horrid scene around him. The trunks and boxes of his father had been rifled, and a considerable amount of money taken. The poor boy made his way back to the Maricopa villages—a distance, by my estimate, of seventy-five miles—on foot, having a desert of forty-eight miles to cross on which there was no water.

The remainder of the party, accompanied by some of the Indians and the boy, now set off for the scene of the murder; arriving at which, they covered the remains with a heap of stones, it being impossible to dig graves, as it was upon the brink of a rocky hill, destitute of soil. The Indians then returned, while the Americans continued their journey to the Colorado, where they made known the particulars of the outrage to Major Heintzelman, the officer in command at Fort Yuma. This energetic and vigilant officer lost no time in sending a military detachment to the scene of the murder, with orders to scour the country, and if possible to rescue the unfortunate captives. The troops returned without accomplishing the object of the expedition, not having met with any Indians.

It is a matter of doubt to what tribe the Indians belonged who committed the robbery and murder referred to, as the scene of the event is about midway between the Colorado and the villages of the Coco-Maricopas, and no tribe occupies the intermediate country.

North and south of the Gila, in the district mentioned, are vast deserts, uninhabited by man. On the south, the first Indians met with are the Papagos, a half-civilized and friendly people, allied to the Pinos. But on the north, the first tribes met with are hostile. These are the Yumas

and other tribes dwelling near the Colorado, known by various names, and the Tontos and several Apache tribes dwelling on the San Francisco and Salinas rivers, and some inhabitable spots south of the Zuñes. Major Heintzelman was of opinion that the Yumas were not concerned in the murder, as they are not known to leave the vicinity of the Colorado. No one believes that the Maricopas were implicated, as their feelings towards both the Americans and the Mexicans are friendly. I made inquiries both of the Pinos and Cocco-Maricopas chiefs as to the perpetrators of the murder, and the whereabouts of the two American captives. They knew all the circumstances of the affair, and believed that the Apache tribes north of the Gila were alone concerned in it. I offered them every inducement to find the captive females, and told them they would be well rewarded by our government if they would recover and deliver them to the officer in command at the American post (Fort Yuma) on the Colorado, or to the commanding officer at Tucson, the nearest military post on the Mexican frontier. At Tucson I called upon General Blanco, the commanding officer of the frontier army, then on a campaign against the Apaches, and interested him in behalf of the captives referred to. He promised to ascertain, if possible, where they were, and to use every effort in his power to recover them. At the military post of Tubac, and of Santa Cruz, I made similar requests. At the latter place I met a Mexican, who had received some vague information respecting them. He stated that the Tonto Apaches had them, and that they could be ransomed. I could only request the people to secure them, by purchase or otherwise, if any opportunity presented itself, and assured them that they would be rewarded for so doing.

In my opinion, it would be useless to attempt the rescue of these unfortunate females by sending a body of troops after them. The Indians could not be found; and if they were, they would put their captives to death rather than have them taken. Their recovery must be effected in a quiet manner, by presents of blankets and other articles in demand by the Indians.

While waiting for the surveying party at the Pimos villages, I made an excursion up the river Salinas, some forty miles above its junction with the Gila. The former is by far the most considerable stream, discharging twice or three times the volume of water that the latter does. It is also clear and pure, while the Gila is muddy. The Salinas has a broad and rich bottom, and at the point reached by me was heretofore occupied by one of those semi-civilized races which have left so many traces along the Gila, and in northern Mexico, of their former existence. Remains of buildings—some of great extent—broken pottery, and implements of husbandry, together with traces of irrigating canals, some of great dimensions, attest the fact that a numerous population once dwelt here.

The heat was excessive during our journey along the Gila: in fact I may say that it commenced where we first struck the desert, one hundred and twenty-five miles beyond the Colorado. From this time until we left the Gila to cross the desert to Tucson, the mercury stood for several hours during the day above 100° Fahrenheit in the shade, and on one occasion it reached 119°. With such an intense heat, neither man nor

animal could travel during the day; hence this portion of our journey was made at night.

A great change took place in the temperature when we left the valley of the Gila. The first night it rained, and, with but two or three exceptions, it rained every day subsequently until we struck the valley of the Rio Grande. These daily showers were quite as uncomfortable to us as the excessive heats of the Gila. They generally commenced between 3 and 4 o'clock in the afternoon, continuing two or three hours, and sometimes throughout the night. The advantage from the rain was an abundance of water and fresh grass for our animals. On the other hand, when so constant, rain is destructive to tents and camp equipage, and retards one's progress several miles a day, by making the roads, which are of a clayey character, very heavy.

We met the first party of emigrants for California between the Pieacho mountain (beyond Tucson) and the Pimos villages; and nearly every day afterwards we fell in with parties until we reached Janos. They were all from Missouri, Arkansas and Texas—were generally in good health, and their teams in fine condition.

At the ruined ranche of San Bernardino, on Cooke's road, we met a detachment of 250 Mexican soldiers, under Colonel Garcia, on their return from a campaign against the Indians. But they had fallen in with none, although the emigrating parties told us they had seen many near this very spot but two days previously. The system pursued in the campaigns has not been productive of beneficial results, for the Indians are as daring as ever, and continue to rob and murder the inhabitants of the frontier towns. At Santa Cruz several men were murdered and many animals stolen, ten days before our arrival. None of the American emigrants had been attacked by the Indians, though in two instances they had been robbed of a considerable number of horses and mules.

Desiring to vary my route in returning to El Paso, in order to possess myself of such geographical knowledge of the northern parts of the State of Chihuahua as it would afford, I left Cooke's road at the Guadalupe Pass, taking a southeasterly course to Janos, a frontier post, and thence proceeding to El Paso. Another object which I had in view was to examine the road through this country, as it is now often taken by emigrants passing through Texas. I found the road excellent the whole distance to the Guadalupe Pass, the only serious obstruction being six miles of sand-hills thirty miles west of the Rio Grande.

I have now traversed the country between the Rio Grande and the Santa Cruz valley, through which all travellers must strike the Gila, in three different directions, viz: first, by Cooke's road; second, across the unexplored country contiguous to the boundary line south of the Gila; and third, from El Paso, southwesterly, via the towns of Correlitas and Janos, and thence to Cooke's road, intersecting it at the Guadalupe Pass. From these several journeys, all made with wagons, I do not hesitate to give the preference to the route near the line. A road could be made here at a small expense, which would be better than the others, and shorten the distance one hundred and fifty miles. Respecting these several routes I shall enter more into detail hereafter, when making my final report.

I regret to inform the department of the sad condition of things at El Paso, with reference to our relations with the Indians. They were bad when I was here a year ago, but are now infinitely worse. Depredations of the most daring character are of weekly occurrence. A large number of mules were run off within one hundred yards of Mr. Magoffin's ranche in the night, where twenty soldiers, the whole military, is stationed; and but three days before my arrival, the Indians came in, in open day, and drove off some thirty or forty mules belonging to Messrs. Hoppin & Hubbell, one and a half mile from the post. There being no grass in the bottom or valley of the Rio Grande, it is necessary to herd the animals on the plateau, about three miles distant, where there is an abundance of gramma grass. Here the Indians approach unseen, and run off large numbers. To pursue them with the limited force here is useless. The soldiers and citizens have attempted it on several occasions, without any success. *Not a single animal has ever been recovered. Not an Indian has been captured or killed.* During the ten days we have been here, the Indians have made two attempts to run off our herd of animals, but we saved them by discovering the enemy and getting our animals on the full run towards home before the Indians could cut them off. We have now armed men in charge of them, and I expect every day they will have an encounter, in which some lives will be lost, and perhaps our whole valuable herd of mules taken. But there is no alternative: corn cannot be had, and there is no other spot near us where there is grass.

But it is not our animals alone that are in danger: we are so hemmed in by the savage, that it is unsafe to go from place to place except in bodies of from six to ten persons well armed; for the wily enemy lies concealed by the road-side, ready to pierce the passing traveller with his deadly arrow when he least anticipates it. I cannot return to Fort Fillmore without an escort, and it is now unsafe to send our wagons from here to San Elizario, although there are two villages and many ranches between, unless accompanied by several armed men. The Indians do not congregate in unfrequented places any more than a sportsman would seek for game on a desert. They hover about the settlements, where there are horses, mules, and cattle, and along roads where they can surprise the traveller and drive an arrow to his heart, merely for the sake of getting his arms and the animal he rides. Nothing but a large and effective force, with scouting parties constantly in the field to overawe the Indians, will ever bring them to terms and put a stop to these constant depredations and murders.

With high respect, I remain your obedient servant,

JOHN R. BARTLETT, *Commissioner.*

HON. ALEX. H. H. STUART,

Secretary of the Interior, Washington, D. C.

CAMP OPPOSITE PRESIDIO DEL NORTE,

August 8, 1852.

SIR: I avail myself of the opportunity of a courier who goes out to intercept the mail, to inform you that I have completed all my work at

this place, and am only awaiting the arrival of some provisions that were due here on the 1st of August, to complete the outfit for the party which is now working down the river towards Eagle Pass.

Nothing of any description can be obtained here, and we are compelled to get supplies of everything, at great cost of transportation, from El Paso or Fort Inge.

I have letters from El Paso as late as the last of June, at which time the United States commissioner had not reached there. The Mexican commissioner and astronomer is at this place, but with no outfit to proceed down the river. As soon as the provisions arrive and I can come to some understanding with the Mexican commissioner and astronomer, I shall proceed down the river to Eagle Pass, should the mail which takes this bring me nothing from the commissioner.

I have the honor to be your obedient servant,

W. H. EMORY,

Bvt. Major U. S. A., Chief Astr. and Surveyor U. S. B. C.

Hon. A. H. H. STUART,

Secretary of the Interior.

WASHINGTON, August 16, 1852.

SIR: We received your favor of the 4th instant, enclosing a report of the Hon. A. H. H. Stuart, Secretary of the Interior, on the subject of the initial point of the Mexican boundary, some days since, and should have attended to it earlier but for the severe indisposition of one of the undersigned.

The great error, as it seems to us, into which Commissioner Bartlett fell at the beginning, was an attempt, upon his part, to correct the map of Mr. Disturnell, in regard to latitude and longitude—a matter which, for all purposes necessary in ascertaining and marking the boundary line, as agreed upon and designated in the treaty of Guadalupe Hidalgo, was wholly immaterial. Latitude and longitude, as you will observe, are not mentioned in the treaty; and the line from the Rio Grande to the Gila might very properly have been run and marked in strict compliance with the treaty, without having taken a single observation of latitude or longitude. We do not complain of Mr. Bartlett for having taken pains to observe correctly different points of latitude and longitude, a species of information both desirable and useful; but what we object to is, that he should have changed the plain import of the terms of the treaty, to the prejudice of the United States, in order to make the map conform to points of latitude or longitude.

The line, according to the treaty, was required to run up the Rio Grande "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 along the western line of Mexico, until it intersects the first branch of the river Gila," &c. In order that there should be no difficulty in ascertaining the southern and western bound-

aries of New Mexico, it is declared, in the same article of the treaty, that "the southern and western limits of New Mexico, mentioned in this article, are those laid down in the '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;' of which map a copy is added to this treaty," &c.

A reference to the map shows plainly that the southern boundary of New Mexico leaves the Rio Grande eight miles north of the town called "Paso," and runs thence west three degrees, whence it runs northward. Now we submit that nothing can be more plain than that, following the treaty, the commissioner was solemnly bound by the map of Disturnell, and had no authority to depart from it. Its correctness, as to latitude and longitude, was wholly immaterial; nor was there the shadow of foundation for the pretension set up by the Mexican commissioner to terminate the southern boundary of New Mexico one degree west of the Rio Grande. The map was the only rule recognised by the treaty to regulate the length of the southern boundary of New Mexico. That map shows the southern boundary to be three degrees in length.

We cannot agree with Mr. Stuart in the position that the commissioner was, under the treaty, invested with "diplomatic" powers, nor that the surveyor is to be regarded as simply a ministerial officer. Both of these officers are provided for in the treaty, and their duties defined to be "to designate the boundary line, with due precision, upon authoritative maps; and to establish upon the ground land-marks which shall show the limits of both republics, as described in the present article." It seems to us, therefore, very clear, that the whole powers confided to these officers were the running and marking the boundary line as agreed upon by the treaty, and that they had no power whatever to change that line. If we are correct, any departure from the treaty as to the initial point on the Rio Grande, by these officers, which was not sanctioned by the treaty, is absolutely void, and can have no binding force or effect upon either the government of the United States or that of Mexico.

This matter of the southern line of New Mexico involved rights of the United States, those of one of the Territories, and those of a large number of citizens settled upon the soil. It is also highly important with reference to a right of way between the Atlantic and Pacific portions of the United States, and we would, therefore, earnestly, but respectfully, invite your particular attention to the subject.

As requested, we return the report of the honorable Secretary of the Interior.

We have the honor to be, with great respect, your obedient servants,
 THO. J. RUSK.
 SAM HOUSTON.
 V. E. HOWARD.

To his Excellency the PRESIDENT.

[No. 44.]

MEXICAN BOUNDARY COMMISSION,
El Paso del Norte, August 18, 1852.

SIR: I have the honor to announce to you my safe return to this place last evening, accompanied by the party under Lieutenant Whipple, which has been engaged in completing the survey of the river Gila. The party arrived in good health, with the exception of a few cases of fever and ague, a disease which appeared among us some two weeks since, caused probably by our continual exposure to excessive heat, and, since leaving the Gila, to continual rains.

I apprized you from the Pimos villages of the completion of the survey of the Gila. There remains to be surveyed about a degree and a half to complete the line forming the southern boundary of New Mexico, and another line from the western termination of that line to the Gila. To complete these, I shall send a party as soon as it can be organized. As the western termination of this line has already been fixed by astronomical observation, and the point where the line intersects the Gila also determined, it will require but a short time to run the intermediate lines.

Letters from Major Emory apprise me that the parties on the Rio Grande are rapidly progressing with their work, and that one-third the line along that river had been surveyed up to May last.

It is my intention, as soon as I can close up all the affairs of the commission at this place, which will occupy about a month, and fit out the party for the work alluded to in New Mexico, to proceed down the river to Presidio del Norte. I shall be better able, however, to state more positively in my next despatch what my future movements will probably be.

To close up all the demands against the commission, and to fit out a party to complete the survey of the line connecting the Gila and Grande rivers, I shall be obliged to draw largely on the department.

I have to-day drawn two requisitions, each for ten thousand dollars, (\$10,000) in favor of Chubb Brothers and James W. Magoffin.

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.

SENATE, *August 23, 1852.*

DEAR SIR: There was much complaint to-day in the Senate that you had not sent in the accounts of Mr. Bartlett, the boundary commissioner, which were called for by Mr. Weller's resolution of March last. It occurred to me that they may have been omitted by inadvertence, or have been overlooked in the mass of papers sent to us.

Will you have the kindness to inform me what is the true state of the case.

Mr. Mason's resolution did not come up this morning, but the majority are determined to break down Bartlett and the initial point.

Very truly yours,

J. A. PEARCE.

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

CAMP NEAR FORT DUNCAN,
October 1, 1852.

SIR: I have the honor to acknowledge this day the receipt of your letter, enclosing me the commission of United States surveyor for running and marking the line between the United States and the republic of Mexico.

Your letter, enclosing the appointment, was handed me on the 30th of January, at Cimilanki, in Mexico, together with a letter of instructions, and a copy of the instructions to the commissioner, dated November 4th, defining the duties of the surveyor, and directing me to be governed accordingly.

I have been hoping from that day to this to have an interview with the United States commissioner, but have not, in consequence of his absence, nor have I received any communication from him whatever, until the day on which I broke up my camp at the Presidio del Norte, August 20. I received by express a letter from him, a copy of which is herewith enclosed, by which it will be seen he arrived at El Paso on the 16th of August, and proposed to meet me at this place.

There are several points in those instructions, based, as I have reason to believe, upon erroneous information conveyed to the Secretary; and as I believe the commissioner, to whom they refer as directly as to myself, will concur with me in the recommendation which I design making, I have, for obvious reasons, deferred making them until his arrival, and shall still defer doing so, with the hope of at length meeting him. In the mean time, I have pushed the survey with unceasing diligence and economy, and many subjects now press so closely that it is necessary for me to communicate directly with the Secretary, and no longer await the arrival of the commissioner.

I have carried the survey down as far as Loreda, with the exception of a small space still to be covered between the great Chizo Cañon and the Rio San Pedro. On this portion two parties are now operating. One was disbanded and reorganized by me in consequence of a panic which seized them in regard to Indians; and the other has, within the last few days, been surrounded by Indians, forced to abandon the survey, retire to the hills, and send in for aid.

To the first I was obliged to give the entire escort, and pass through the infested country myself without a soldier. To the last I gave all the spare men I had, and it was also furnished at my request, by Major Lamotte, commanding at Los Moras, five infantry soldiers. This region is the thoroughfare of all the bad Indians on the frontier. I have passed through it myself without damage, and I hope the two parties

will do the same; but enough has happened to justify me in having, in previous communications, so often urged the necessity of additional escort. And I have now respectfully to request that the Secretary will apply to the War Department to give orders to the general commanding the 8th military department to furnish a company of soldiers to escort either of these parties, should they be again driven back. Below here no escort will be required.

The parties have each been so well reinforced, I do not believe either of them will have any further trouble, for all work bravely and cheerfully; but if they should, it would cause much delay, unless a company of soldiers is held in hand to send them.

On my reaching the ground to take charge of the survey, November, 1851, I found that Mr. Bartlett and the assistant surveyor had agreed upon the initial point, $32^{\circ} 22'$, and that a great stone monument had been erected, marking the point, and having the usual inscriptions and the names of the American and Mexican commissioners, astronomers, and surveyors; and, as Mr. Salazar informed me, this had been hastened at the urgent request of the American astronomer and surveyor.

I also found that articles of agreement, based upon the letters of instructions from the commissioner to Colonel Graham, my successor, and predecessor as chief astronomer, had been entered into with Mr. Salazar for the survey of the boundary, and the survey had been commenced at the initial point, $32^{\circ} 22'$, by Colonel Graham.

On the 30th of January, 1852, while on my route west of El Paso, in pursuit of the commissioner, I received unexpectedly, and certainly unsolicited, the letter of appointment of United States surveyor, and your two letters of instructions, one to myself, and a copy of the letter of instructions to Mr. Bartlett, dated November 4, 1851; in which it is directed that "should the surveyor at any time differ with you, (the commissioner,) on any question connected with the survey, he (the surveyor) will defer to your (the commissioner's) opinion, until the case is submitted and decided by the department."

The surveyor came out long after the initial point was agreed upon and the monument erected and the line begun, relieved the acting surveyor, and protested against the point. With the protest and the views of the commissioner before him, both sides, it is presumed, fairly stated, the Hon. Secretary instructed the surveyor to sign the maps; but before the instructions reached him he was relieved, and I was appointed in his place, with the same instructions.

I therefore considered the matter as settled, and the action of the government as final. "The official documents which have been prepared for the purpose," referred to in my letter of appointment and instructions, never having been presented, no action has been taken in the matter definitely and finally to "settle this important point." I quote from my instructions, for, as I shall presently show, it has, by the views taken of the subject by both sides, ceased to be an important point.

But I have done this in compliance with the letter and spirit of my instructions. Mr. Salazar, the Mexican commissioner and surveyor, met me at the Presidio del Norte, August 1st, to sign the maps of the

Rio Grande forming the boundary. Neither party had the maps properly prepared, nor was Mr. Salazar at all prepared in money or means to go on with the work at the rate I was progressing. I had already signed, conjointly with him as astronomer and surveyor, the only maps fit for signature; but he remained pressing me to sign other maps which involve incidentally the initial point agreed upon by Mr. Bartlett, Mr. Condé, Mr. Salazar, and Mr. Whipple, from which Colonel Graham had started his survey of the river. I therefore, on the 28th of August, signed the maps according to my instructions, with the reservation contained in the paper, a copy of which is herewith sent, marked A, signed conjointly by Mr. Salazar and myself, and the statement therein referred to, setting forth on the face of the maps that it was the "*boundary line agreed upon by the two commissioners, April 20, 1851.*"

I presume it was never intended I should give my certificate, as astronomer and surveyor, to the correctness of the determination of a point which had been determined by the observations of others, and without consultation or advice of mine. On the other hand, I do not for a moment doubt the power of the government to instruct me on the subject, or hesitate as to my duty to obey its mandates, which I understand as requiring me only to authenticate the initial point agreed upon by the commissioners of the two governments.

In reference to the importance of the point, I think it as well to state that the line agreed upon by the commissioner, April, 1851, is about 33 minutes north of the line contended for as that laid down by Disturnell's map, but it reached about 16 minutes of an arc further west; and as both lines run 3 degrees of longitude west, the difference of territory is 3 degrees of longitude, multiplied by 33 minutes of latitude, minus 16 minutes of longitude, multiplied by about 40 minutes of latitude, each having a middle latitude that may for the purpose of computation be assumed at 32 degrees. Neither line gives us the road to California, and the country embraced in the area of the difference, with the exception of a strip along the Rio Grande, about nine miles long and from one to two wide, is barren and will not produce wheat, corn, grapes, trees, or anything useful as food for man or for clothing.

Neither line will give us a channel of communication for posts along the frontier, without which it is impracticable to comply with the 11th article of the treaty, which engages the United States to keep the Indians out of Mexico.

When originally on the work, before the point was determined, having a knowledge of the country from previous reconnoissance, I had the honor of asking the attention of your predecessor to this very subject, in a communication dated April, 1850, San Diego, California, which was subsequently printed by the Senate. I then pointed out what I believe to be the only view taken of the treaty which would have given us the road; it being in truth the only important matter involved in the question. No notice was taken of this, and I was superseded in my command, until restored by you; although Mr. Clayton, the Secretary of State, had declined, on my own application, to relieve me, on the ground of my knowledge of the particular duties to which I was assigned.

On my return to the work, both governments having been committed

in the matter by the commission, the time was passed when anything could be effected with the Mexican commission.

It is not pretended that the view there taken of the treaty is as close a legal construction as that taken since, but it is the only one which could have given us a wagon road from the Del Norte to the Pacific by way of the Gila river; and it is believed that if this point had been urged before discussion took place, or before either party had committed itself, the obvious advantages to both would have secured its adoption.

Under the authority vested in me by your letter of June 11, 1852, I have drawn only the following drafts, amounting in all to nine thousand one hundred and eighty-nine dollars, (\$9,189,) all of which, with the exception of the last check for one thousand eight hundred dollars, (\$1,800,) has been turned over to the quartermaster, T. W. Tansill, and disbursed by him in the service of the boundary survey.

July 22. Draft No. 1, (duplicate,) in favor of T. W. Tansill, quartermaster	\$1,200
July 22. Draft No. 2, (duplicate,) in favor of T. W. Tansill, quartermaster	4,069
Aug. 15. Draft No. 3, (duplicate,) in favor of T. W. Tansill, quartermaster	2,000
Aug. 30. Draft No. 4, (duplicate,) in favor of T. W. Tansill, quartermaster	1,100
Sept. 30. Draft No. 5, (duplicate,) in favor of M. W. Emory..	1,800

I have the honor to be your obedient servant,

W. H. EMORY,
Brevet Major U. S. A.

CAMP OPPOSITE PRESIDIO DEL NORTE,
August 26, 1852.

The undersigned, in pursuance of an agreement based upon the agreement at Frontera, after several preliminary meetings, met on the 26th inst.; and it was proposed by Major Emory that a record should be kept of the proceedings of the meeting, to be signed in quadruplicate, and exchanged. Mr. Salazar stated that he designed making the same proposition.

Major Emory stated that he had received an official letter from Mr. Radzimiński, dated August 1, stating that he had not yet completed his map from the initial point to Frontera, but would do so in a few days; (which letter was exhibited to Mr. Salazar.) He has written several letters to the commissioner and Mr. Radzimiński, and has received no communication whatever from the commissioner, and no record of the proceedings of the joint commission, or any other notice from the commissioner, in reference to the boundary, except the letter to his predecessor, of which Mr. Salazar has already been furnished a copy.

Mr. Salazar stated that he had received, the day before, the maps from El Paso of the survey from the initial point to Frontera.

Major Emory having proposed to test them by the astronomical determinations, Mr. Salazar proposed that Mr. Gardner should do so; but stated that he considered them drawn sufficiently correct to answer the purpose for which they are to be signed.

Major Emory stated that he had finished the survey to the cañon below this place; but no presentable map is made. A rough map has been made as far down as a point three miles above this place; but the only draughtsman employed by him left the work without previous notice.

He thinks the attempt to make finished or correct maps in the field idle. It has never been attempted before, on a large scale, except on this survey, where the facilities are necessarily less than elsewhere.

Mr. Salazar stated that he is convinced it is not necessary to have maps signed in the field; and that if it was to be done now, it is for the purpose of carrying out the agreement entered into at Frontera, for which purpose we have met here, and the maps are to be considered only as documents.

Major Emory stated that he had already stated he had not the records of the commission, and asked if Mr. Salazar could furnish him or show him the proceedings of the commission fixing the initial point.

Mr. Salazar stated that he did not bring the record with him, because he did not think it necessary, but has it in El Paso; that it was signed by the commissioners, astronomers and surveyors, and secretaries, on both sides, besides other witnesses, and different copies were distributed; and added that he was of opinion that, before entering into any other agreement, the one at Frontera should first be complied with, and then they should agree on other things. To carry out said object, he asked Major Emory, if he found the maps sufficiently correct, if he would mark on them the boundary line and sign them.

Major Emory answered yes: but, however, doubted his authority to sign a paper which might be considered as a document affecting the boundary line, without having access to the proceedings of the joint commission or communication with the commissioner. He also stated that the United States commissioner had been absent ever since he had been on the work; and in making the engagements with Mr. Salazar, he made them on the supposition that the commissioner would return before the time for the consummation of those engagements.

Mr. Salazar stated that he had nothing to do with respect to Major Emory's not having received any communication from the United States commissioner; that it was a private affair of the United States commission.

Major Emory stated that his instructions, in regard to the initial point, refer directly to the action of his predecessor, and that action cannot be officially ascertained without seeing the proceedings of the commission or having an interview with the commissioner.

On motion of Major Emory, the meeting adjourned, to meet to-morrow at 11 o'clock a. m.

PRESIDIO DEL NORTE, *Mexico, August 27, 1852.*

Agreeable to the adjournment of yesterday, the undersigned met in the quarters of Mr. Salazar.

Major Emory stated that the measurements for testing the maps had been made. The difference between the maps and the astronomical determinations is as follows:

	o / "	
Latitude of initial point, by Mr. Salazar...	32 22 00	
Do. Frontera, by Major Emory....	31 48 44	
	<hr/>	
Difference.....	33 16	= 38.17 miles.
By maps presented by Mr. Salazar.....		38.07
		<hr/>
Difference.....		.53
		<hr/> <hr/>
	h. m. s.	
Longitude of initial point, by Mr. Salazar..	7 7 03	
Do. Frontera, by Major Emory...	7 5 56	
	<hr/>	
Difference.....	1 7	= 16.378 miles.
By maps presented by Mr. Salazar.....		19.368
		<hr/>
Difference.....		2.990
		<hr/> <hr/>

Mr. Salazar stated that having himself made the measurements, he found on the maps that Frontera would fall in latitude $31^{\circ} 48' 20''.4$, and that he had not made the measurements in longitude, not having brought the books or tables necessary; and for the same reason, the longitude which he gave for the initial point was only approximate. He also stated that he was of opinion that nothing else was to be done now except to mark the boundary line and sign the maps.

Major Emory stated that the differences shown in the above statement are very great, and, in his opinion, show the maps not to be as correct as they should be, and not in condition to be signed; but he thinks it probable it is altogether owing to the imperfect means possessed in the field of projecting maps.

Mr. Salazar stated, in reply, that he is sure that the surveys for the maps, which he has already submitted, have been done with all the scientific exactness possible; that the maps could not be drawn with all care and exactness as if they were to be submitted to the governments; and owing to this, and the scale on which they have been drawn, he thinks the differences should not interfere with signing and marking the boundary line on them.

Major Emory stated that, to avoid further discussion upon the subject and to come to a final understanding, he desires to say that he has no other object than to place the work upon a basis that will insure its accuracy; and at the same time he believes that Mr. Salazar is actuated by the same motives, he cannot withhold from observing Mr. Salazar's anxiety to have his signature affixed to the first sheet of the series of maps presented to him for signature, which map contains incidentally the initial point. He will, therefore, in the absence of the archives of the commission, but in obedience to the instructions he has received

from his government, dated November 4, 1851, sign that map, with this certificate attached: "The boundary line as agreed upon by the two commissioners April 24, 1851."

He also stated that, believing, as he does, that his propositions submitted July 27, 1852, which forbid the attempt to make finished maps in the field, and which make provision for the rapid survey of the line, are founded in reason, he proposes those to Mr. Salazar for adoption.

Mr. Salazar stated, in reply, that he agreed in the above proposition made by Major Emory, with the exception of the 4th article of the propositions of the 27th of July, 1852. These propositions are as follows:

1. It is impracticable to make finished or correct maps of a survey of great extent for signature in the field, and the astronomers and surveyors confine their mapping in the field to the surveys of the islands and such other localities as may be of a character to create a doubt as to which nation they belong.

2. Notwithstanding that the surveys of several portions of the Rio Bravo, from the initial point to its mouth, have been completed, both parties shall proceed henceforward so that the work along the whole extent of the Rio Bravo shall be divided in the following portions, viz:

1st. From the initial point to the colony of San Ignacio.

2d. From the civil colony of San Ignacio to Presidio del Norte.

3d. From Presidio del Norte to the military colony of Agua Verde.

4th. From the military colony of Agua Verde to Loredo.

5th. From Loredo to Matamoras.

6th and last. From Matamoras to the mouth of the Rio Bravo.

In order to gain time and avoid difficulties, the first and last portions shall be surveyed in detail by both parties; the second and fourth by the United States boundary commission; and the third and fifth by the Mexican boundary commission; and it shall be proper for each chief astronomer and surveyor to send with the surveying party of the other an officer whose business it will be to make a general reconnaissance of the topography of the section, who shall, with his collaborator, assign the islands, subject to the final approval of the joint commission.

3. The astronomical stations between the Presidio del Norte and the mouth of the Rio Bravo shall be as follows, viz:

Agua Verde, or the mouth of the Pecos.

Eagle Pass.

Loredo.

Matamoras, mouth of the Rio Grande, and such other points as the progress of the survey may show to be necessary.

4. To meet at Eagle Pass on the 1st January, 1853; or, if convenient to both parties, at Matamoras.

In place of the 4th article, Mr. Salazar proposed that, being obliged to return to El Paso, we should settle by correspondence the next place and time of meeting.

Major Emory assented, and the meeting adjourned.

W. H. EMORY.

JOSE SALAZAR Y LARREGUI

True copy of the original:

G. CLINTON GARDNER.

FELIPE DE YTURBIDE.

UNITED STATES BOUNDARY COMMISSION,
El Paso del Norte, August 18, 1852.

SIR: It gives me pleasure to acquaint you with my arrival here last evening, with several gentlemen of the commission, and the party, under Lieutenant Whipple, recently engaged in the survey of the river Gila. The survey of that portion of the river which forms the boundary between the United States and Mexico, was completed on 1st July.

I found your letter here, of June 1, apprizing me of the progress made on the survey of the Rio Grande, which is very satisfactory; also of other transactions necessary to carry on the work and maintain the credit of the commission—all of which meets my approval.

It has been to me a source of great anxiety that I found myself unable to return to El Paso, and the field of operations, at an earlier day. To return with a small party through a country infested by hostile Indians, was too hazardous. I was, therefore, compelled to await the return of the surveying party.

With reference to supplying heads of surveying parties with funds to carry on their work, I think it quite proper; and when I join you, will endeavor to effect the object proposed.

Any changes you have made in the heads of surveying parties will meet my approval. My only desire is to have able and efficient men in these responsible places; and if those heretofore appointed are incompetent, they must be removed and others, suitably qualified to do the work, put in their places.

I regret to learn that you have not been furnished with information as to the extent of the work on the line running west from the initial point, on the Rio Grande, at $32^{\circ} 22'$. I have received no official report from Lieutenant Whipple on the subject. The work was suspended by the withdrawal of that officer by your predecessor. From a communication made to me by Lieutenant Whipple, in San Diego, on the 15th May last, I incidentally learn that the line referred to was surveyed one degree and a quarter west.

I sent an express to Mr. Radziminski this morning, apprizing him of my arrival, and requested him to repair to this place as soon as possible. When he reaches me, we will confer together as to the work to be done on the line referred to.

For an escort for the party to be engaged on that survey, I have already made arrangements with Lieutenant Green.*

It appears to me that the party engaged in the survey of the Rio Grande, being now in or near a district infested by large numbers of hostile Indians, should be provided with a strong escort and an efficient commanding officer. I have therefore requested Lieutenant Green, in whose efficiency I have the utmost confidence, to take command of that detachment in the present exigency.

Your estimate of the expenses of the commission for the year beginning January 1, 1852, I have not received.

After remaining here long enough to settle all claims against the

* NOTE BY W. H. EMORY.—Lieutenant Green had already been requested by me to take command of that detachment, and on the 18th August had completed his arrangements for the purpose.

commission, make up my vouchers and accounts, and to organize and fit out the party for the completion of the line connecting the Rio Grande and Gila, I shall then proceed with all haste to join you at Presidio del Norte, or such other place as you may then occupy as your quarters. A month will be necessary to do this and recruit our worn-out animals.

I am, very respectfully, your obedient servant,
 JOHN R. BARTLETT,
Commissioner.

Major W. H. EMORY,
Chief Astronomer and Surveyor U. S. B. C.

EL PASO DEL NORTE, TEXAS,
 October 3, 1852.

SIR: In consequence of the warlike state of the Indians between here and Luna, and being without an escort, I am reluctantly compelled to change my route and go by way of Chihuahua. I requested Lieutenant Green to leave me a sufficient escort, but on my application for it a few days since, found but four men. By taking the road to Chihuahua I shall be furnished with an escort of Mexican soldiers, tendered me by Colonel Langberg.

I find that this route will take me far south of Eagle Pass. If it is possible, therefore, for you to meet me at some point lower down the river, I shall be glad, as I am desirous to proceed at once to New York.

If it is your intention, as I suppose it to be, to place Mr. Radziminski with a party on the section at the mouth of the Rio Grande, the route I propose taking will be the most accessible one to reach that portion of the river.

I cannot obtain precise information respecting the point where I shall strike the river, or when I shall be nearest to it, but I think it will be Camargo.

I sent an express to you on the 21st of September, enclosing you my requisitions on the Secretary of the Interior for twenty thousand dollars, which I hope reached you in season.

I am, very respectfully, your obedient servant,
 JOHN R. BARTLETT,
Commissioner.

Major W. H. EMORY,
Chief Astr. and Surveyor U. S. & M. B. C., Eagle Pass.

UNITED STATES BOUNDARY COMMISSION,
 El Paso del Norte, August 20, 1852.

SIR: I have just received your note of this date enclosing a copy of Major Emory's instructions to you in reference to the completion of any

work that may remain unfinished west of the Rio Grande, of which you have any knowledge. This letter appears to have been written under the supposition that I would not return here with your party, and that it would be necessary to place funds here to a large amount with Mr. Jacobs. My presence supersedes such necessity.

There remains nothing to complete but a portion of the line between the Rio Grande and the Gila, which was commenced by yourself.

I fully concur in opinion with Major Emory, on the necessity of completing all unfinished work, and will aid you all in my power in effecting this object, which must be prosecuted to completion in accordance with the resolutions that were passed by the joint commission. You will therefore present me a programme of such a party as you require to finish the survey of the line referred to, together with an estimate of the transportation necessary and the subsistence requisite. I will then lose no time in preparing you for the field.

I have already made application to Lieutenant Green for a suitable escort for your party, and he has placed twenty men at Fort Fillmore for the purpose, who will await your orders.

I remain, very respectfully, your obedient servant,

JOHN R. BARTLETT,

Commissioner.

Lieut. A. W. WHIPPLE,

Top. Eng., Asst. Astr. U. S. B. C., El Paso del Norte.

EL PASO, TEXAS,

August 20, 1852.

MAJOR: Your instructions of June 11, 1852, were received by favor of Mr. Radziminski this day. Having communicated a copy to the commissioner, the enclosed is a copy of his reply.

I regret to find that Mr. Bartlett does not seem inclined to fulfil your intention, by placing funds at my disposal to be used as the exigencies of the service may require; nevertheless I will endeavor, to the best of my ability, to accomplish the operations intrusted to me according to your desire.

The southern boundary of New Mexico is to be completed to its western termination, and the western line thence is to be traced and marked to the Rio Gila.

Reports of the work will be regularly made, and transmitted to you as frequently as possible.

Very respectfully, your obedient servant,

A. W. WHIPPLE,

First Lieutenant U. S. Top. Engineers.

Brevet Major WM. H. EMORY,

Top. Eng., Prin. Astr. and Surveyor U. S. B. C.,

Presidio del Norte, or elsewhere on the Rio Grande del Norte.

PRESIDIO DE SAN ELIZARIO;

October 5, 1852.

MAJOR: I have the honor herewith to forward to you, by the mail, a dozen sheets of protracting paper, containing my late survey of the river from Frontera to above the initial point opposite Doña Ana.

I am in receipt of a letter from the commissioner, who informs me, that much to his regret he failed to obtain an escort from Colonel Miles, although he went purposely to Fort Fillmore to apply for it; and that he was obliged, in view of the depredations committed by the Indians on the mail route to San Antonio, to avail himself of a *Mexican escort, tendered to him by the Mexican colonel commanding, Colonel Langberg*, and that consequently we shall be obliged to travel through the Mexican territory on our route below to join you somewhere on the river. Now is it not a pretty state of affairs, *that United States agents should be compelled to seek foreign protection in transacting United States business, and in pursuance of their duties!*

I am, Major, very respectfully, your obedient servant,

CHAS. RADZIMINSKI,

Principal Assistant Surveyor.

Major WM. H. EMORY,

Chief Astronomer, &c., &c., &c., U. S. B. C.

P. S.—The maps are drawn to a scale of four inches to the mile.

C. R.

MEXICAN BOUNDARY COMMISSION,

El Paso del Norte, Texas, October 5, 1852.

SIR: I have the honor to inform you that a party of engineers, under the command of Lieutenant Whipple, left here, on the 1st instant, to complete the line of boundary connecting the Rio Grande and the Gila. This line was commenced at the initial point on the Rio Grande, in April, 1851, and suspended about the 1st July, when about seventy-five miles had been run.

Lieutenant Whipple has been furnished with everything necessary to carry on the work before him. His officers have been paid one month's advance, and all of his men to the day of leaving. I have, besides, made provision for any additional supplies he may need, as well as for the pay of his party on their return, after completing the work. Should he meet with any casualty causing the loss of his animals by the Indians, or otherwise, I have provided for the contingency. He has an escort of twenty-four soldiers for his protection.

It was my intention to leave here for Eagle Pass, by way of Leona, and there join Major Emory; but on applying to Colonel Miles, at the headquarters of the 3d infantry, at Fort Fillmore, for the escort of ten men, which Lieutenant Green, the officer now in command of the escort, had informed me were at my disposal, I found but four, besides the twenty already assigned to Lieutenant Whipple. As this force

would be useless, particularly for a night guard, I relinquished the whole to Lieutenant Whipple.

In this position I knew not what course to take to get out of the country; the Indians, in every direction, being so hostile that it would be unsafe to pass through their country except in a large body, or protected by a strong escort. The army officers advised me by no means to attempt the journey without an adequate escort, in which opinion all others coincided who knew of the state of the country. The only course left for me, therefore, was to go by way of Chihuahua; and as Colonel Langberg, the military commander of the Mexican frontier, was present, he at once tendered me an escort to that place, and an order to procure another from there, as far as I required it. I readily accepted his kind offer, and have accordingly made my arrangements to leave here to-morrow for Chihuahua. From that place I shall proceed, as rapidly as possible, to the most accessible point on the Rio Grande, which I learn is Camargo.

My advices from Major Emory are, that he is making good progress with his work. He requested me to send him twenty thousand dollars, to enable him to pay off and discharge certain parties, and to procure outfits for others. I complied with his request, and sent a special messenger with my requisitions on the department—one for \$12,000, the other for \$8,000.

Since my arrival here I have forwarded to the Fifth Auditor, for my credit, vouchers amounting to \$22,882 06, under dates as follows:

August 23, 1852	\$11,296 10
September 15, 1852.....	11,585 96

I shall send more by Mr. Skillman, the mail contractor, who takes this; but not enough to balance my account. A considerable amount remains in my hands, but I am unwilling to risk the whole by one conveyance. The vouchers for disbursements by Major Emory, on account of the parties on the lower Rio Grande, are not in my hands, and cannot be forwarded until I see that officer.

I have to report the dismissal from the commission of Mr. A. P. Wilbur, one of the sub-assistants, for false statements in regard to myself and other officers of the commission, tending to our injury, which false statements were contained in a letter from said Wilbur, read by Colonel Weller before the Senate.

The party which will accompany me to the lower Rio Grande consists of the following persons:

Thomas H. Webb, secretary of the joint commission.

Henry Jacobs, assistant secretary and clerk.

George Thurber, acting quartermaster and commissary, and botanist.

Henry C. Pratt, draughtsman and artist.

The following engineers accompany me to join Major Emory:

Charles Radzimirski, principal assistant surveyor.

Malcolm Seaton, sub-assistant surveyor.

Henry C. Force, do. do.

The pay of the above is the same as heretofore.

William Ferguson, carpenter, \$60 per month.

Henry McHenry, cook, \$25 per month.

Charles Schultz, cook, \$25 per month.

Patrick Magaughran, servant, \$30 per month.
 A. A. A. Lea, servant, \$25 per month.
 James Hall, ambulance driver, \$25 per month.
 Six teamsters, each \$25 per month.
 Francisco Butierra, herder, \$25 per month.
 Antonio Nañes, herder, \$25 per month.
 _____, laborer, \$25 per month.

I annex a list of Lieutenant Whipple's party, with the pay of each member.

I remain your obedient servant,

JOHN R. BARTLETT,
Commissioner.

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

List of Lieutenant Whipple's party engaged in the survey of the line connecting the Rio Grande and the Gila.

Name.	Occupation.	Rate of pay.
Lieut. A. W. Whipple...	Top. engineer, in comm'd.	
Frank Wheaton.....	Topographer and assistant.	\$800 per year.
Hugh Campbell.....	First assistant.....	900 do.
George G. Garner.....	Assistant.....	800 do.
William White, jr.....	do.....	800 do.
Chas. A. Gicquel.....	Instrument carrier.....	40 per month.
L. J. Hilburn.....	do. do.....	25 do.
John Lenz.....	Blacksmith.....	60 do.
Edward Carr.....	Teamster.....	25 do.
John Lawrence.....	do.....	25 do.
Asa Thatcher.....	do.....	25 do.
Wm. H. Francis.....	Cook.....	25 do.
Anton. Brown.....	do.....	25 do.
Benj. Bryan.....	Servant.....	25 do.
José Mestis.....	do.....	12 do.
Antonio Calderon.....	Laborer.....	25 do.
Romano Correlío.....	do.....	25 do.
Ascension Peres.....	do.....	25 do.
Guadalupe Medina.....	Herder.....	25 do.
Pablo Espinosa.....	do.....	25 do.
Ignacio Hernandez.....	do.....	25 do.
Pablo Robles.....	do.....	25 do.

WASHINGTON, *October 14, 1852.*

MY DEAR SIR: I herewith return your report on the subject of the Mexican boundary commission, with my concurrence, together with the papers accompanying the report. It seems to me that, in justification of the course which the Administration has been compelled to pursue, it might be well to give publicity to the report through the papers.

You will, of course, notify the Secretary of State.

I am truly yours,

MILLARD FILLMORE.

The SECRETARY OF THE INTERIOR.

WASHINGTON, *September 10, 1852.*

MY DEAR SIR: I perceive that the appropriation for continuing the survey of the Mexican boundary is not to be expended unless I am satisfied that the initial point on the Rio Grande has been properly selected and established. Have you the means in your department of enabling me to determine this question? If not, it may be necessary to consider whether the commission should not be immediately recalled, for want of means to continue the work. I shall be happy to hear from you at your earliest convenience.

I am truly yours,

MILLARD FILLMORE.

The SECRETARY OF THE INTERIOR.

CAMP NEAR FORT DUNCAN, TEXAS,

October 15, 1852.

I yesterday received the enclosed letter and protest from Messrs. Lewis & Groesbeck, of San Antonio, informing me that two drafts—one for \$4,069, the other for \$1,200—both dated July 22, 1852, drawn by me, had been protested on the 11th September. Enclosed is my answer to Messrs. Lewis & Groesbeck.

The paper attached is a copy of the order from yourself containing the authority under which I made these drafts; and the whole amount drawn under this authority, including the two drafts above, as appears by my official report and account-current of the 1st October, is only eight thousand dollars, all of which has been expended in the service of the boundary commission, and accounted for according to law and regulation. The sums were drawn in the absence of the commissioner, and were absolutely necessary to keep the work from relapsing into the condition which I found it, and your authority for so doing is complete. Under these circumstances, the drafts were protested, after the passage of the deficiency and appropriation bills, and I am unable to offer to the holders of these notes any explanations. This occurrence, so embarrassing to myself personally, and so destructive to the successful

prosecution of the work with which I am charged, is so entirely beyond my power to explain, that I am compelled to send an officer (Lieutenant Michler, corps topographical engineers) to represent me on the spot, and receive your commands, and thus avoid the delay in the work which must necessarily ensue if the subject is to be settled by correspondence.

We have not a cent on hand; and until it is settled, nothing can be done on the work requiring any expenditure, and distrust and discontent must pervade all the employés. An express came in from Mr. Bartlett a day or two since, bringing me two large drafts—one for eight, the other for twelve thousand dollars—but the merchants at this place, although having money which they desire transferred to San Antonio and the north, refused to cash these checks, alleging that similar ones had been purchased and protested for non-acceptance in Washington city. Before receiving Messrs. Lewis & Groesbeck's letter, I sent an agent with them to San Antonio to try what could be done; but I am satisfied nothing can be effected until we hear from Washington. Having been obliged to endorse these drafts, any repudiation of them would be serious to me.

From the many marks of confidence reposed in me by you, I cannot for a moment suppose such a thing intended; but the honorable Secretary will not fail to see that the effect of the protest of my notes of 22d July is to place me, in the eyes of this community, in the position of one who is attempting to raise money under false pretences.

In view of the possibility of this sudden repudiation of authority extended to me being founded on the misrepresentations of those who have been expelled from the work, or who are interested in expelling me, I beg the honorable Secretary to permit me to call his attention to the fact that I have now been practically in charge of this work for ten months, the commissioner having been absent most of the time; that I found the work in a state of disorganization and inactivity, without money and without credit in the country in which it was operating; that of all the surveyors on the list transferred to me, not one was fit to perform his duties, thus entailing on me the painful duty of displacing them and appointing others; that I reorganized the work, restored its credit without a dollar in my pocket, and infused into the survey an activity and healthy condition which has enabled me to accomplish more in the short time I have been here than was done in the two years preceding, and at an expense of about one-fifth. To prove these facts, I have the documents in my possession. I trust they will justify me, in the eyes of the honorable Secretary, in asking why it is I am in this money business placed in a position so equivocal before the commission and before the community, and to demand, if a doubt has been raised in the mind of the government as to the fidelity with which I have discharged my trust, by the misrepresentations of the disaffected and useless persons on this commission, or who have left it, that I may be granted at once a court of inquiry, to inquire into every transaction, public or private, with which I have been connected on this boundary survey.

Commending to your consideration the able and accomplished officer

who will hand you this letter, whose return I desire as speedily as possible, I have the honor to be, with high regard, your obedient servant,

W. H. EMORY,

*Brevet Major U. S. A., Chief Astronomer and Surveyor
United States Boundary Commission.*

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

DEPARTMENT OF THE INTERIOR,
Washington, June 11, 1852.

Brevet Major W. H. Emory, chief astronomer and surveyor, attached to the United States commission for the survey and demarcation of the boundary line between the United States and the republic of Mexico, has authority to draw upon this department, from time to time, for such sums as he may need in the operations under his charge.

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

I hereby make oath, on the Holy Evangelist of Almighty God, that the above is a true copy of a document addressed to Wm. H. Emory, chief astronomer and surveyor, received in duplicate, by mail, at the camp opposite Presidio del Norte, on or about the 16th July, 1852; that the same came under cover from the office of the Secretary of the Interior, bearing the frank of that office, and that, to the best of my knowledge and belief, it is the true and genuine signature of the Hon. A. H. H. Stuart, Secretary of the Interior.

G. CLINTON GARDNER,
Asst. Surv. and Act. Clerk to Chief Astr. and Surv. U. S. B. C.

STATE OF TEXAS, *County of Bexar :*

The above is subscribed and sworn to before me, at Eagle Pass, this 15th day of October, A. D. 1852.

H. MATSON,
Justice of the Peace, Bexar County.

SAN ANTONIO, *October 8, 1852.*

DEAR SIR: We received by last mail the enclosed protests of drafts drawn by you on A. H. H. Stuart, Secretary of the Interior, dated Presidio del Norte, July 22, 1852, for \$1,200, and July 23, 1852, for

\$4,069, each at ten days' sight, to order of T. W. Tansill, quartermaster. We are informed that, at the time the cash was paid for these drafts at Presidio, you exhibited a letter from Hon. Mr. Stuart, Secretary of the Interior, authorizing you to draw on him, for expenses of the commission, without limit. We would be pleased to hear from you as to whether the information given us is correct; and if so, what explanation can be made why your drafts were not duly honored. Please tell us also, if possible, at what date we can probably rely on final payment of these drafts. An early reply will much oblige,

Very respectfully, your obedient servants,

LEWIS & GROESBECK, (in liquidation.)

Major W. H. EMORY,

U. S. Boundary Commission.

CAMP NEAR FORT DUNCAN, TEXAS,

October 14, 1852.

GENTLEMEN: I have this moment received your letter of October 8, containing the protest of my two notes dated July 22, 1852—one for \$4 069, the other for \$1,200—and requesting me to give the authority on which these notes were drawn, and asking “what explanation can be made why the drafts were not duly honored.”

Enclosed is an authenticated copy of the document exhibited by me to Mr. Smith, who cashed the drafts. Under this authority, which was only exercised in the absence of the commissioner, only four drafts were drawn, including the two above mentioned, and the whole amounting to only eight thousand dollars. The drafts appear, by the protest, not to have been presented until the 11th of September, after the deficiency bill and the appropriation bill had become laws of the land.

Under these circumstances, with authority so complete and so authentic, and with the necessity of drawing the drafts so apparent, to sustain the work from relapsing into its former condition, I can form no idea of the reason why these drafts were protested. This occurrence, so painful to me personally, and so embarrassing and destructive of the interest of the public work with which I am charged, has caused me to send the bearer of this letter, Lieutenant Michler, to Washington to ascertain the cause of the difficulty. Whatever the cause is, it must be founded on accident or false information at the department; and as Lieutenant Michler is familiar with all the operations of this survey, he will at once be enabled to give correct information, and I have no doubt the checks held by you, and all others drawn by me, will be promptly paid.

I am, gentlemen, very respectfully, your obedient servant,

W. H. EMORY,

Bvt. Major U. S. A., Chief Astr. and Surveyor U. S. B. C.

Messrs. LEWIS & GROESBECK.

FORT DUNCAN, EAGLE PASS, TEXAS,

October 26, 1852.

SIR: On the 30th of August I started from San Elizario, twenty seven miles below El Paso del Norte, in a train belonging to Don Francisco Ruis, a citizen of Texas, residing near Castroville, Texas. The train was composed of thirty-seven carts, more than half of which were empty, and contained about seventy men, who were armed. Those of the men who were not employed in the train were passengers. We came down in safety, and arrived at Leona on the 11th of October.

I am, sir, your obedient servant,

JNO. LAWSON,

Assistant U. S. B. C.

Major WM. H. EMORY,

Surveyor, &c., &c., &c., U. S. B. C.

CAMP NEAR FORT DUNCAN, TEXAS,

October 30, 1852.

SIR: I have the honor to request that a warrant may be issued in my favor for fifty thousand dollars on account of the appropriation for running and marking the boundary between the United States and the republic of Mexico—twenty thousand to be sent me in cash, by Lieutenant N. Michler, and the balance to be placed to my credit in New Orleans.

I have the honor to be your obedient servant,

W. H. EMORY,

Bvt. Major U. S. A., Chief Astr. and Surveyor U. S. B. C.

HON A. H. H. STUART,

Secretary of the Interior.

CAMP NEAR FORT DUNCAN,

Texas, October 30, 1852.

SIR: Enclosed is a copy of a letter received from J. R. Bartlett, esq., United States commissioner, by which it will be seen he cannot keep his engagement to meet me here. He does not state definitely either the time or place of meeting; and judging of the future from the past, it is altogether uncertain if I meet the commissioner at all, or, at any rate, for several months to come.

The drafts he sent me are next to useless, in this country; and if they could be cashed, are wholly insufficient to sustain the work until I meet Mr. Bartlett. My estimate sent to Mr. Bartlett, for the survey for 1852, was for ninety thousand dollars. It was sent in duplicate, and the Hon. Secretary will no doubt recollect that one copy was sent to

the department, with the request that it might be forwarded to the commissioner. He states he has not received it.

When it is recollected that I have been now one year on this work; that during that whole time I have been supplied with not one cent of money, except on the small drafts drawn by me and subsequently protested; that I have carried on the work by a system of credits, promises, and threats, the Hon. Secretary will appreciate my situation at this juncture, when all the parties are assembling; to find that the person who holds the purse-strings does not intend to come here, and the whole community unwilling to touch the commission paper. I hope it will excuse me for again making a requisition directly on the department for funds, and referring to recommendations in my former despatches, in order that some arrangements may be made to insure attention and punctuality in the payment of the surveying parties. In connexion with this subject I send also a communication from Lieutenant Whipple, in charge of an important work, informing me that the commissioner has declined to furnish him with money.

Notwithstanding all the difficulties of the country, the hostilities of the Indians, and, above all, the continued money embarrassments, the work has been faithfully done, so far; and no impediment stood in my way to complete the field-work early next spring, until it received its present check.

Should the Secretary see fit to answer my requisitions of this date, I beg that twenty thousand dollars be sent me by Lieutenant Michler, and that thirty thousand be placed to my credit in New Orleans.

An assistant surveyor on this work, with two sub-assistants, was left by me to await the arrival of Lieutenant Whipple at El Paso; and after performing certain duties, namely, the transfer of some property, to report to me in person. On the 26th I received a communication from the assistant, of which the enclosed is a copy—the italics also being his. It will be seen that he has been diverted from the execution of my orders by the commissioner, and volunteers the reason therefor. It is just to the government, and proper for me, to state that the Indians are worse in Mexico than on the road through Texas; that two opportunities presented themselves by which he and his party could have come to me in safety, to wit: the train which left El Paso September 1—(see letter of assistant John Lawson)—and the train with the mail which left there October 10.

To avoid all future misunderstanding, I request that an order be issued giving me exclusive control over my assistants.

I have also to call your attention to a paragraph in the regulations of November 4, by which persons on this work are deprived of the per diem allowance for personal expenses, except when on detached duty, and request the same may be rescinded, and for this reason: detached duty is understood to be employment out of the field. It is in its nature constructive duty, and liable to great abuses, and has been much abused. To pay persons a per diem for this duty, and withhold it from those in the field, where the expenses are greater, is to offer a direct premium to those who wish to avoid the duties of the field for more agreeable and often imaginary duties. I think the official records in possession will show that, barring the laborers, where one employé in

the pay of the commission has been at work in the field, at least two have been quartered in the towns, or travelling on journeys having no tendency to forward the business of the commission.

The regulation is particularly burdensome to the topographical engineer officers on this work, who left the more regular and agreeable duties of their own corps with the promise that they were to receive this per diem. They are the most valuable assistants I have—indeed, with the exception of those young men immediately about me, who have been instructed, the only ones who have any knowledge of astronomy, and, as a consequence, of the higher branches of geodesy.

I have been waiting the arrival of the commissioner, hoping and believing he would reconsider his former recommendation, by which the regulation was established, and unite with me in asking to have it rescinded.

I have the honor to be, with high regards, your obedient servant,

W. H. EMORY,

Bvt. Major U. S. A., Chief Astr. and Surveyor U. S. B. C.

Hon. A. H. H. STUART,

Secretary of the Interior.

SAN ANTONIO, TEXAS,

November 1, 1852.

DEAR SIR: I arrived here last evening by stage from Indianola; and had it not been for an unavoidable delay at Galveston, owing to a severe gale, I should have made a remarkable quick journey from Washington to this place.

At Indianola I met Lieutenant Michler and Mr. Ingraham, of the commission: the former on his way to Washington, by order of Major Emory, to get money to carry on the survey of the Rio Grande; the latter directed by Major Emory to go to Fort Brown, in charge of instruments, &c.

I explained to these gentlemen the situation of the commission affairs at Washington, and handed them a copy of the Secretary's report to the President, and at the same time advised Lieutenant Michler not to incur the heavy expense of going to Washington, if his only object was to procure money for the use of the commission, as there were no funds there. He had not determined what he should do when I left him.

I received a letter from my brother, dated El Paso, October 5, in which he says he is compelled to change his route and come in by way of Chihuahua, on account of not being able to get an escort; and the Indians are known to be very hostile on this side of the river. He expects to meet Major Emory at Camargo: if not, he will go to Eagle Pass.

I shall leave for Eagle Pass, where Major Emory now is, as soon as I can procure a conveyance, and shall get my escort at the Leona; from Eagle Pass I shall probably go direct to Camargo.

The supplies and stores which I shipped to Port Lavaca have arrived here; I will have them on the road to Eagle Pass to-morrow.

I notified you of my arrival at New Orleans, by telegraph, which I presume you received.

Yours respectfully,

GEO. F. BARTLETT.

GEORGE C. WHITING, Esq.

RINGGOLD BARRACKS, OPPOSITE CAMARGO,
November 30, 1852.

SIR: The result of my previous communications to the department admonishes me that it is probable no direct correspondence is expected from me with the department; but the continued absence of the commissioner, in whom all power has been vested, and the desperate condition to which the working portion of this commission has been reduced, in consequence of his absence, and the withdrawal of all authority from me to act in the absence of the commissioner, makes it necessary that I should keep you apprized of the state of things, that the Hon. Secretary may know where to fix the responsibility for what happens.

On the 5th of this month, having received aid from a quarter not expected, I reorganized my parties and had left Eagle Pass for Loredo, to resume the prosecution of the survey of the river, when I received a note from Mr. G. F. Bartlett, dated San Antonio, October 31, stating he had despatches for me from the government. I immediately halted my parties to await Mr. Bartlett's arrival, and it was not until the 11th that he delivered to me your despatches dated October 15.

While awaiting his arrival, two mails came in from San Antonio, bringing notifications from the persons who had undertaken to assist us, withdrawing in peremptory terms the proffer of assistance, and I was compelled to abandon on the spot my plans for resuming the work. The instructions do not relieve me from the dilemma. Had they contained nothing to the contrary, I should, as I have done for the last year in the absence of the commissioner, have assumed, as a matter of duty, the discretionary power which you have delegated to him, to go on with the work or abandon it and come home; but the instructions seem to contemplate the absence of the commissioner, and warn me that I am to take no decisive step, but await his arrival. I was, therefore, compelled to take the course left: that was, to leave everything as it stood, and seek an interview with the commissioner with all possible speed.

I have accordingly come to this place, opposite Camargo, the point indicated by the commissioner as that where he would most likely strike the line. I arrived here on the 24th, and hearing nothing of the commissioner, advised Mr. G. F. Bartlett to send couriers into Mexico to search for him, which he has done.

I availed myself of the opportunity, in coming down, to stop at Loredo, and make observations at that place, to check the survey at that point, and to bring down here all the instruments, to be placed in depot at this point, the head of steamboat navigation, where they are in position to

be used, if the commissioner has the means to go on, or where, if the work is stopped, they will be most convenient when it is resumed.

In the mean time I have received notice of the arrival of Mr. Chandler's party at Eagle Pass, in a state of destitution; and I have with me many of the teamsters and other employés of the commission, without the means or authority either to progress or to discharge them and dispose of the property in their custody.

I deeply lament this condition of things, particularly as I had overcome all the great obstacles in the survey of the river, and brought it to a stage where the possibility of completing it in the spring was very reasonable.

It is but just to myself, and also to those who have labored so faithfully and diligently, and exposed their lives so freely in the public service, to say that all this work has been accomplished without aid from the commissioner, and without receiving any part of the munificent sums voted by Congress; the money that has been expended having been raised on drafts which were non-accepted and are still unpaid.

I hope these facts, and the forlorn condition in which the men are placed, will cause the Secretary to direct the remaining funds, which I see by his letter to the commissioner are on hand, to be paid to those men who have been present and engaged in the survey, in preference to all other claimants.

I beg also to call the honorable Secretary's attention to my previous communications, recommending a reorganization of this commission, by which the disbursing agent of the commission for such portion of the funds as are to be applied to the survey shall be placed under the direct orders of the astronomer and surveyor, who is bound to be always present. Without this authority, experience has shown it to be wholly impracticable for him to carry on his operations with economy and justice to the government and to the employés.

Your obedient servant,

W. H. EMORY.

Bvt. Major U. S. A., Chief Astr. and Surveyor U. S. B. C.

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

MEXICAN BOUNDARY COMMISSION,
Ringgold Barracks, Texas, December 20, 1852.

SIR: I have the honor to announce to you my arrival at this place a few hours since, after a long and tedious journey from El Paso del Norte of 73 days—23 of which we were detained by accidents in breaking our wagons. I was also compelled to avoid the direct route on account of the large bands of Comanche Indians which infest it.

The party with me are all well. I left them at noon to-day, and hastened on to make arrangements for quarters, subsistence, &c. They will arrive to-morrow morning.

I am unable to say what course I shall take with the survey, not

having yet seen Major Emory, that gentleman having left this morning, to be absent until to-morrow.

The commanding officer here being on the point of sending an express to the coast, I avail myself of the opportunity to write a few lines to announce my arrival and the receipt of your despatch of the 15th October.

In great haste, I am your obedient servant,

JOHN R. BARTLETT,

Commissioner.

HON. ALEX. H. H. STUART,

Secretary of the Interior, Washington.