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Joseph Richard Werne*

Pedro García Conde and the Gadsden Treaty

Following the 1848 Treaty of Guadalupe Hidalgo ending the war between Mexico and the United States there remained the task of delineating the new international boundary, the immense difficulties of which neither nation was fully aware. The boundary was to consist of two rivers, the Gila and the Río Grande, the southern boundary of New Mexico which would join them, and an azimuth line dividing the two Californias. While there could be little difficulty in determining the riverine and California lines, drawing the southern boundary of New Mexico brought forth a controversy whose solution required the negotiation of a new treaty. Part of the problem lay in the fact that the boundaries of the northern frontier states of Mexico had never been surveyed, so that the exact latitude and longitude of natural and man-made monuments were unknown. And while the United States had demanded the cession of all New Mexico, the Mexican treaty commissioners were determined to cede no part of the state of Chihuahua, and especially not the important settlement of El Paso del Norte.¹ To assure that this northern outpost remained with Mexico, Article V of the treaty stated that the boundary line between the two republics was to follow the Río Grande from its mouth "...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..."² In their desire to make certain their intentions, the treaty framers attached to the treaty a "Map of the United Mexican States" published by J. Disturnell in 1847.³

Rather than clarifying the question regarding the southern boundary of New Mexico, the mention of El Paso del Norte in the treaty and the attachment of Disturnell's map further beclouded the air, for Disturnell's map was erroneous in two respects. On it El Paso del Norte was placed thirty minutes of latitude to the north of where it actually lay on the surface of the earth, and the Río Grande two degrees of longitude east of its true position.⁴ Were the boundary commissioners that each nation would appoint to choose the latitude of the southern boundary of New Mexico as laid down on Disturnell's map, or begin with El Paso del Norte as it actually lay upon the ground? The difference amounted to a gain or loss of some 6,000 square miles of territory, but because of the desire that the settlement remain Mexican, the treaty was purposely vague, leaving the solution to the Joint United States and Mexican Boundary

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¹Present-day Ciudad Juárez, not El Paso, Texas.

²William M. Malloy, *Treaties, Conventions, International Acts, Protocols, and Agreements Between the United States and Other Powers*, 2 vols. (Washington, D.C., 1910), vol. 1, pp. 1109-1111.

³*Mapa de los Estados Unidos de Méjico, según lo organizado y definido por las varias actas del congreso de dicha república; y construido por las mejores autoridades. Lo publica J. Disturnell*, revised ed. (New York, 1847); Cartographic Division, Library of Congress, Washington, D.C.

⁴The Mexican Boundary Commission Papers of John Russell Bartlett (The John Carter Brown Library, Brown University), Official Journal, pp. 6-8 ; *Report of the Secretary of the Interior...*, 32nd Cong., 2nd sess., 1853, S. Ex. Doc. 41 (Serial 665), p. 2.

Commission. The two boundary commissioners would have to negotiate. The Mexican Congress recognized this in its discussion regarding appointments to the Mexican Commission, noting that the boundary commissioner would thus have a diplomatic function.⁵ This was also an assumption of at least one United States observer.⁶

The problem of the Southern Boundary of New Mexico was first understood by Major William Hemsley Emory of the United States Army Corps of Topographical Engineers, who as a lieutenant during the war had made a general reconnaissance of the area through which the boundary would later pass. Now a continental nation, the United States would need a railroad from ocean to ocean to tie its new empire together. Emory believed a feasible route lay along the thirty-second parallel and down the Gila valley to California, and thought "...the United States commissioner might succeed in torturing the treaty of Guadalupe Hidalgo..." in order to obtain a practicable route for a railroad to the Pacific Ocean.⁷ According to the treaty, the Joint Commission was to begin on the Pacific coast and survey the boundary eastward along the California line and up the Gila River to the western boundary of New Mexico, but Emory presented powerful arguments for not doing so:

By pushing the survey eastward, and looking for a branch of the Gila which shall fulfill the conditions of the treaty--the first to intersect the boundary of New Mexico --you will inevitably be made to strike that boundary far north of the parallel of the copper mines; because all the streams south of that parallel, having their sources in the Sierra Madre, running towards the Gila, disappear in the sands before they reach the Gila, except in cases of unusual freshets. Working eastward, their almost trackless beds must escape the notice of the keenest explorer; working from the 'Paso del Norte' northward and westward, you strike the sources of the streams themselves; and although they may disappear many leagues before reaching the Gila, they may nevertheless be affluents of that river, and fulfill the conditions of the treaty.

Another view of the case may also be taken. The inaccuracy of the map upon which the treaty was made, and which thereby became a particle of the treaty, is notorious. It's also known to all who have been much in the frontier states of Mexico, that the boundaries of those states have never been defined on the ground, and are unknown. This is particularly the case of the boundary betwixt New Mexico and Chihuahua.

In this condition of things the commissioners must negotiate, and they may adopt the 32nd parallel of latitude until it strikes the San Pedro, or even a more southern parallel of latitude. This would give what good authority, combined with my own observations, authorizes me to say is a practicable route for a railroad--I believe the only one from ocean to ocean within our territory.⁸

In his belief that beginning the survey at the mouth of the Gila "...would end in failure, if not in disaster...", Emory had the support of Colonel John James Abert of the Topographical Engineers, who considered the line from El Paso del Norte to the

⁵Mariano Otero, Ministro de Relaciones Exteriores, to Cámara de Diputados, 23 September 1848; Minutes, Sala de Comisiones de la Cámara de Diputados, 14 October 1848; Minutes, Comisiones de Relaciones y Hacienda, 18 October 1848; Minutes, Sala de Comisiones del Senado, 25 October 1848; Comisiones de Relaciones y Segunda de Hacienda to Senado, 30 October 1848; Minutes, Sala de Comisiones del Senado, 30 October 1848; and Otero to Secretarios del Soberano Congreso, 3 November 1848; all these documents are included in Oficina de Límites y Aguas Internacionales, 1847-49. Límites entre México y Los Estados Unidos de A. - "Trabajos de la Comisión de Límites entre ambos países, de conformidad con el Tratado de Paz, Amistad, Límites y Arreglo Definitivo, firmado en Guadalupe Hidalgo, D.F., el 2 de febrero de 1848". Expediente X/221 (72:73) "847"/22, pp. 3-8, 14-15, 20-26, 32-40. Archivo de la Secretaría de Relaciones Exteriores, Mexico City (Hereafter cited as Expediente 22).

⁶Emory to Ewing, 2 April 1850, *Report on the United States and Mexican Boundary Survey...*, 34th Cong., 1st sess., 1857, S. Ex. Doc. 108 (Serial 832), pp. 20-21; Emory to Volney Howard, 18 December 1851, Folder 3, William H. Emory Papers (Beineke Library, Yale University).

⁷Emory to Ewing, 2 April 1850, *Report on the United States and Mexican Boundary Survey...*, 34th. Cong., 1st sess., 1857, S. Ex. Doc. 108 (Serial 832), p. 51.

⁸*Ibid.*, pp. 20-21.

Gila more important than the river boundary.⁹ Emory hoped to throw the southern boundary of New Mexico as far south as possible. His hopes were soon realized: the survey begun on the Pacific in July, 1849 was soon shifted to El Paso del Norte. Tracing the line from the port of San Diego on the Pacific coast to the confluence of the Gila and Colorado rivers had presented no insuperable problems save for the high prices caused by the discovery of gold in California. Continuing eastward meant outfitting the two commissions at highly inflated rates for everything from labor to flour. The Joint Commission therefore agreed to adjourn and reconvene at El Paso del Norte on the first Monday in November, 1850. From that point the commission would be able to work in two directions and avoid the high labor and freight costs arising from the California gold rush. This created something of a flurry in Mexico City in view of the fact that the shift from California to El Paso del Norte would be to the benefit of the United States.¹⁰

General Pedro García Conde, the Mexican boundary commissioner, was familiar with the military reconnaissance Emory had made during the war, and realized that the United States, in its desire to obtain a feasible rail route, would try to secure just such an advantage.¹¹ García Conde was an army engineer who had spent much of his career in Mexico's northern states, had constructed a map of the state of Chihuahua in 1834, and was without a doubt more informed than anyone else as to the area's topography.¹² Like Emory he realized that the southern boundary of New Mexico as presented in the treaty could be interpreted to the advantage of either nation. He was also aware of the difficulties that drawing the boundary in accordance with Disturnell's map would entail, and held a conference with Minister of Foreign Relations Luis G. Cuevas regarding the problem.¹³ In the resulting instructions, the Minister noted that Disturnell had placed the southern limit of New Mexico at 32° 30' north latitude. As the map was part of the treaty, that was now the boundary. The result was that the line would be much farther north of El Paso del Norte than it appeared to be on Disturnell's map, which showed the town above the thirty-second parallel, when actually it was below 32° north latitude. That, however, was not important, Cuevas went on to say, for the government could never accept the latitude Disturnell gave to that settlement. With regard to El Paso del Norte, all the treaty stated was that the town would remain with Mexico, not that it have the same distance from the southern boundary of New Mexico as shown on Disturnell's faulty map. The Minister insisted that the distance would be greater. Cuevas then opined that the United States commissioner would assert that this distance was the same as on the map. To admit this he believed would be to alter the treaty. The line, he insisted, was 32° 30' no matter how far or close to El Paso del Norte. Any other view of the problem would lead to the loss of another piece of territory, which Cuevas believed was indeed the intent of the United States. As proof he cited a new map published by J. H. Colson of New York, on which the new boundary line was placed below the thirty-second parallel.¹⁴

After reflecting upon his instructions, García Conde felt there was some difficulty in accepting 32° 30' as the limit between Chihuahua and New Mexico. On the map that

⁹William H. Emory, "Notes on the Survey of the Boundary Line Between Mexico and the United States. Read Before the Fifth Meeting of the American Association for the Advancement of Science, held at Cincinnati, May, 1851" (Cincinnati, 1851), p. 4; and Abert to Ewing, 10 April 1850, *Report of the Secretary of the Interior...*, 31st Cong., 1st sess., 1850, S. Ex. Doc. 34 (Serial 558), pt. 1, p. 18.

¹⁰García Conde to Ministro de Relaciones, 24 February 1850; and José María Lacunza to García Conde, 13 June 1850, Expediente 22, pp. 139-47, 164.

¹¹*Periódico Oficial del Supremo Gobierno de los Estados Unidos Mexicanos*, 28 de abril de 1849; and *Notes of a Military Reconnaissance...*, 30th Cong., 1st sess., 1848, S. Ex. Doc. 41 (Serial 517), p. 62.

¹²Francisco R. Almada, *Diccionario de historia, geografía y biografía chihuahuenses* (Chihuahua City, 1927), p. 281; Alberto María Carreño, *Jefes del Ejército Mexicano en 1847* (Mexico City, 1914), pp. 160-62; Francisco R. Almada, *Diccionario de historia, geografía y biografía sonorenses* (Chihuahua City, 1952), p. 298; and Pedro García Conde, *Ensayo estadístico sobre el Estado de Chihuahua* (Chihuahua City, 1842).

¹³García Conde to Ministro de Relaciones, 25 January 1849, Expediente 22, pp. 71-8.

¹⁴Luis Cuevas to García Conde, 2 March 1849, in *Ibid.*, pp. 339-40.

line was slightly undulating, and as such could not be surveyed. Taking the mean of the line's sinuosities he found that 32° 22' was more exact, but threw the line 8' of latitude farther south.¹⁵ In a memorandum submitted to the Minister of Foreign Relations, García Conde pointed out that the undulating line which served as the southern boundary of New Mexico on Disturnell's map could not be traced and that therefore the Joint Commission would have to determine the latitude of that line. The parallel referred to, he noted, could be considered as absolute or as relative to El Paso del Norte. While Disturnell placed this parallel one league north of the town, the latitude of that point was erroneous on his map. García Conde cautioned that the line could be considered to be just one league above El Paso del Norte, and that was what the United States would claim. If that were the case, the point of the settlement would have to be fixed.¹⁶ For these reasons, the commissioner requested new instructions.¹⁷

After an investigation of the problem, the new Minister of Foreign Relations, José María Lacunza, ordered General García Conde to take the most exact latitude which the map gave and refer to no towns. If the United States commissioner did not agree, he was instructed to trace the latitude and leave the United States commission to trace its line. Under no circumstances was the Mexican commissioner to accept a boundary merely one league north of El Paso del Norte.¹⁸

Armed with his new instructions, Pedro García Conde reached El Paso del Norte on 1 December 1850 and two days later the Joint United States and Mexican Boundary Commission assembled. García Conde and surveyor José Sálazar y Larregui represented Mexico and commissioner John Russell Bartlett the United States. Surveyor Andrew Belcher Gray of the United States had not yet arrived due to a prolonged illness. The Mexican commissioner began the meeting by questioning whether discussion could begin without the United States surveyor who, according to the treaty, was a member of the Joint Commission. Bartlett replied that there was no need for delay as there were certain points which only the commissioners could settle before the surveyors' duties began. In any event, he was prepared to appoint another surveyor in Gray's place should circumstances require it, claiming such action would be in conformity with the power vested in him. The General accepted the proposal, and this settled the matter for the moment.¹⁹ Bartlett then observed that he foresaw no difficulty regarding the boundary as it was clearly defined in the treaty.

García Conde believed the first act should be to fix the initial point where the Río Grande strikes the southern boundary of New Mexico. Bartlett agreed, observing that the Joint Commission should establish the western terminus of the line as well. García Conde related that he had already calculated the initial point on the Río Grande at 32° 22' north latitude, but the United States commissioner replied that the astronomers should fix the point according to the treaty map. García Conde then pointed out the errors in Disturnell's map. El Paso del Norte, he noted, lay in 31° 45' north latitude, not in 32° 15' as shown on the map. Further, Disturnell represented the Río Grande as being two degrees of longitude east of its true position on the surface of the earth.²⁰ To prove his assertion, García Conde produced a map of the State of Chihuahua which he had constructed fifteen years earlier. Bartlett's opinion was that the commissioners must follow the treaty map regardless of its inaccuracy, and he

¹⁵García Conde to Ministro de Relaciones, 16 May 1849, in *Ibid.*, pp. 304-305.

¹⁶Puntos sobre los cuales pide instrucciones el que firma para poder determinar el límite de Nuevo México con arreglo de la Carta de Disturnell", García Conde, 15 June 1850, in *Ibid.*, p. 58.

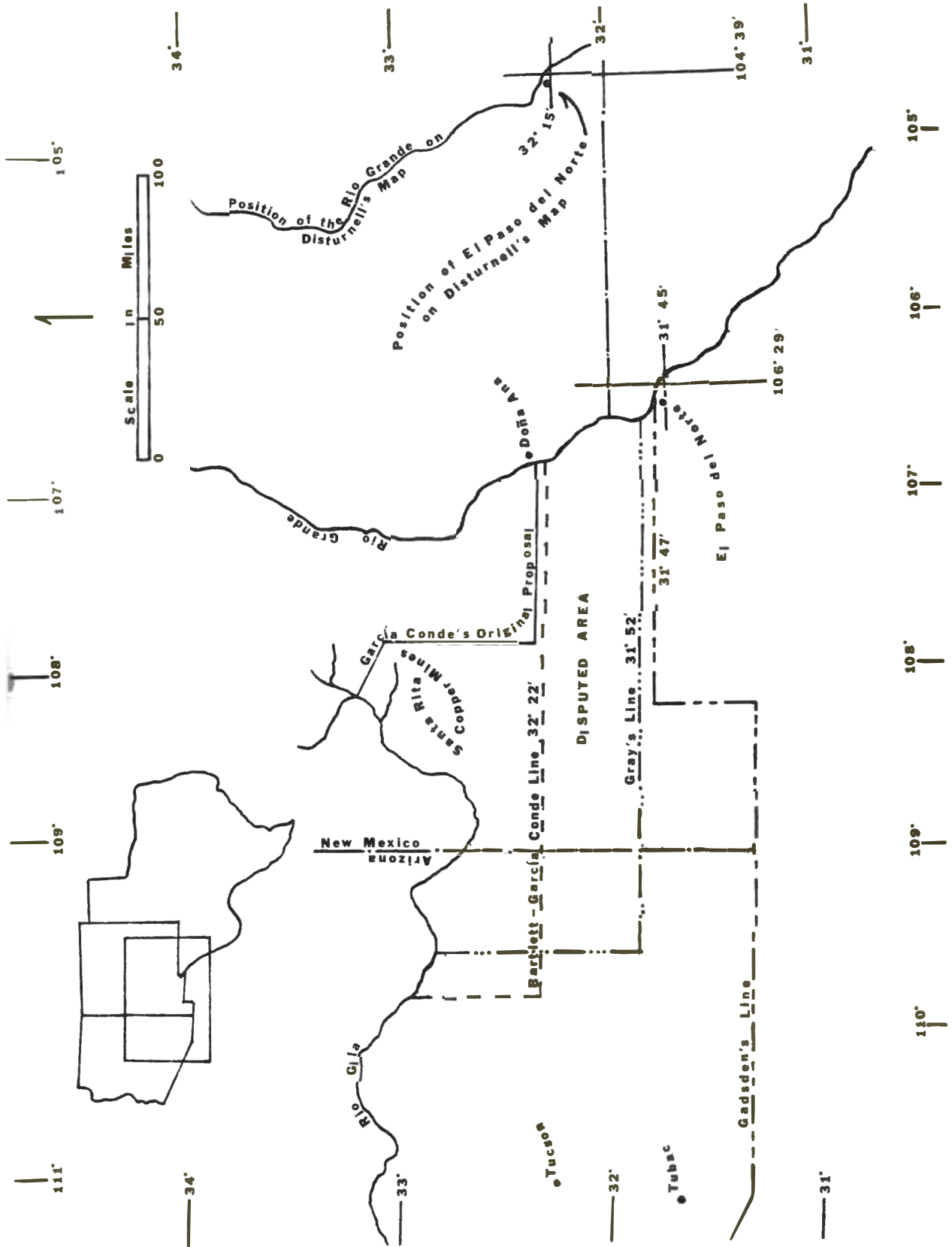
¹⁷García Conde to Ministro de Relaciones, 19 June 1850, in *Ibid.*, pp. 168-70.

¹⁸Instrucciones que se dan al S. Gral. D. Pedro G. Conde Comisario de la demarcación de límites conforme al tratado entre México y los E. Unidos, para el límite de N. México en respuesta a sus preguntas hechas en 15 de junio de 1850", in *Ibid.*, pp. 56-7.

¹⁹Official Journal, pp. 1-3, Bartlett Papers; and *Report of the Secretary of the Interior...*, 32nd Cong., 2nd sess., 1853, S. Ex. Doc. 41 (Serial 665), p. 2

²⁰Official Journal, pp. 6-8, Bartlett Papers.

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referred to the words in the treaty defining the boundary as running along the whole southern limit of New Mexico, which lay to the north of the town called Paso. García Conde's position was that the negotiators of the treaty had made reference to this northern outpost only to ensure that the town remained Mexican, and that its mention had nothing whatever to do with the distance of the boundary north of it. He believed that latitude and longitude must settle points other than El Paso del Norte without reference to fixed places. Bartlett was not satisfied that the line must merely run north of El Paso del Norte rather than *immediately* north of it as shown on the treaty map. He believed the treaty framers had taken the town as a landmark which the Joint Commission could not ignore. The General then pointed out on his manuscript map where he thought the line would be. Bartlett claimed that the line would then be shorter than the southern line of New Mexico, while García Conde believed it would be longer.²¹

After much discussion during several meetings of the Joint Commission, García Conde stated that he would have no objections as to the length of the southern boundary of New Mexico if the Joint Commission should agree to 32° 22' north latitude as the initial point of the line on the Rio Grande. Bartlett still believed the line should run immediately north of El Paso del Norte, but was willing to concede the point.²² García Conde then proposed that the Joint Commission fix the initial point at 32° 22' north latitude and run the line three degrees west, and Bartlett accepted the proposal. This compromise not only ignored the erroneous positions of El Paso del Norte and the Río Grande on Disturnell's map, but also the true position of the town and the western boundary of New Mexico.²³ Having reached the compromise, on 9 January 1851 the Joint Commission directed Sálazar y Larregui and Lieutenant Amiel Weeks Whipple, whom Bartlett had appointed surveyor *ad interim*, to determine by astronomical observation where 32° 22' actually lay on the ground. The two astronomers accomplished this by 4 April and the Joint Commission met on the 24th at the initial point to ratify their findings.²⁴

General Pedro García Conde had won a great victory with the United States commissioner's agreement to the Mexican interpretation of the treaty line. He now reported to the Minister of Foreign Relations:

La cuestión más vital y de mayor interés, en la determinación, de la línea divisoria entre nuestra República y la de los Estados Unidos, está resuelta favorablemente a los intereses de la Nación. No es ya la línea divisoria, la que trazó Disturnell, a las goteras del Paso del Norte, dejando esta Población, sin la Presa del Río con cuyas aguas fertiliza sus ejidos, y sin los bosques que producen la leña y maderas más precisas para los usos comunes de la vida: es el paralelo de los 32° 22' de Latitud, que dista de esta Población acerca de treinta y siete millas geográficas al Norte, en línea recta, comprendiendo la Presa, Bosque y la población de la Mesilla que hoy tiene más de dos mil habitantes, y mil cien leguas cuadradas, en la extensión, de todo el límite austral de Nuevo-México...²⁵

García Conde's only concern was Bartlett's appointment of Lieutenant Whipple as surveyor *ad interim*. Though the United States commissioner claimed his instructions

²¹*Ibid.*, pp. 8-10.

²²*Ibid.*, pp. 12-14, 16-20.

²³*Report of the Secretary of the Interior...*, 32nd Cong., 2nd sess., 1853, S. Ex. Doc. 41 (Serial 665), pp. 3-4; Official Journal, pp. 34-37, Bartlett Papers.

²⁴*Ibid.*, pp. 41, 46, 63-7; Whipple to Bartlett, 29 March 1851, Correspondence, IV, Bartlett Papers; Bartlett to Whipple, 18 March 1851; Whipple to Bartlett, 4 April 1851; and Bartlett to Stuart, 14 April 1851, all in *Report of the Secretary of the Interior...*, 32nd Cong., 1st sess., 1852, S. Ex. Doc. 119 (Serial 626), pp. 310, 313-14; and Whipple to Bartlett, 12 December 1850, Box 2, Folder 15, Amiel Weeks Whipple Papers (Oklahoma Historical Society, Oklahoma City).

²⁵García Conde to Ministro de Relaciones, 24 December 1850, "Límites entre México y los Estados Unidos de A.-Correspondencia relativa a dificultades surgidos al trazar la línea divisoria entre ambos países, en la parte de Nuevo México. Mapas de la Línea Divisoria entre Nuevo México y Texas. Levantado en 1852, Conforme al Tratado de 1848. Firmado por José Sálazar y Larregui", Expediente X/221 (72: 73) "852"/24, p. 37, Archivo de la Secretaría de Relaciones Exteriores, Mexico City (hereafter cited as Expediente 24).

gave him the authority to hire Whipple, García Conde expressed to his government the fear that Bartlett's action might not be strictly in accordance with the treaty. In any case, the general had organized the Mexican Commission in complete conformity with the treaty of peace.²⁶ There could be no question as to the rectitude of the work of the Joint Commission as far as Mexico's part was concerned.

With the initial point of the southern boundary of New Mexico determined and fixed upon the Rio Grande at 32° 22' north latitude, the Joint Commission began to trace the line westward. Scarcely had the work progressed one degree of longitude when surveyor *ad interim* Whipple suddenly suspended the survey he had been conducting jointly with Sálazar y Larregui. Colonel James Duncan Graham of the United States Army Corps of Topographical Engineers had ordered Lieutenant Whipple, also of that corps, to report to him at Frontera, the United States scientific station near El Paso del Norte.²⁷ This interrupted the survey, greatly disturbed commissioner Bartlett, and infuriated García Conde.²⁸ Shortly thereafter the United States surveyor, Andrew B. Gray, reached El Paso del Norte, a full eight months after the first meeting of the Joint Commission. After perusing the official accounts of the Joint Commission, Gray found little of which he could approve. He refused to accept Bartlett's appointment of Whipple as surveyor *ad interim* and protested the compromise placing the initial point of the southern boundary at 32° 22', claiming it did not conform to the line prescribed in the treaty. He thought the line too far north of El Paso del Norte. Gray considered it a great misfortune that Whipple had signed the document accepting the initial point as the United States surveyor. Should his signature prove legal, the United States would have signed away a large piece of territory belonging to New Mexico.²⁹

Since the treaty framers had not referred to latitude and longitude in the treaty, and because the parallels and meridians regarding New Mexico and Chihuahua on the treaty map were incorrect, Gray believed the true latitude of the boundary had to be computed from the true latitude of El Paso del Norte, a fixed point on the surface of the earth mentioned in the treaty. The true position of the settlement as measured by astronomical observation was 32° 45' north latitude. As the southern boundary of New Mexico measured very nearly seven minutes of latitude north of the town on Disturnell's map, Gray added seven minutes of latitude to the actual positions of the town and declared the southern limit of New Mexico to be 31° 52'.³⁰ Bartlett and García Conde saw the error in Disturnell's map in the position of El Paso del Norte, while Gray saw the error in the position of thirty-two degrees north latitude. Bartlett did not believe El Paso del Norte should govern the determination of the boundary simply because it appeared in the treaty, insisting that had the town not been mentioned, there could have been no dispute.³¹ By adhering to Disturnell's map, he insisted, the United States had gained nearly 6,000 square miles of territory, including

²⁶García Conde to Mariano Yáñez, 11 March 1851; and García Conde to Ministro de Relaciones, 22 March 1851, Expediente 22, pp. 226, 233.

²⁷Bartlett to Whipple, 15 December 1850, *Report of the Secretary of the Interior...*, 32nd Cong., 1st sess., 1852, S. Ex. Doc. 119 (Serial 626), p. 32; and Graham to Stuart, 10 May 1851; Graham to Bartlett, 26 June 1851; and Graham to Whipple, 26 and 29 June 1851, all in *Report of the Secretary of War...*, 32nd Cong., 1st sess., 1852, S. Ex. Doc. 121 (Serial 627), pp. 14-15, 116-18, 129-30, 138.

²⁸Whipple to Sálazar y Larregui, 3 July 1851, Whipple Papers, Box 2, Folder 16; and García Conde to Bartlett, 7 July 1851, and Bartlett to García Conde, 11 July 1851, both in Expediente 24, pp. 33-4.

²⁹John Russel Bartlett, *Personal Narrative of Explorations and Incidents in Texas, New Mexico, California, Sonora, and Chihuahua, Connected with the United States and Mexican Boundary Commission During the Years 1850, '51, '52, and '53*, 2 vols. (New York, 1854), vol. 1, p. 340; *Report of the Secretary of the Interior...*, 33rd Cong., 2nd sess., 1855, S. Ex. Doc. 55 (Serial 752), p. 4; Gray to Bartlett, 24 July 1851, Correspondence, V. Bartlett Papers; and Gray to Stuart, 3 August 1851, *Report of the Secretary of the Interior...*, 32nd Cong., 1st sess., 1852, S. Ex. Doc. 119 (Serial 626), p. 298.

³⁰Gray to Bartlett, 25 July 1851, *Report of the Secretary of the Interior...*, 32nd Cong., 2nd sess., 1853, S. Ex. Doc. 41 (Serial 665), p. 27.

³¹John Russel Bartlett, "Mexican Boundary and the Adjacent Country", A lecture given before the Geographical and Historical Society of New York, 10 May 1853, in *The New York Herald*, 11 May 1853; and Gray to Bartlett, 31 July 1851, *Report of the Secretary of the Interior...*, 32nd Cong., 2nd sess., 1853, S. Ex. Doc. 41 (Serial 665), p. 6.

the Santa Rita copper mines, the Río Mimbres, and the Mogollon Mountains.³² Gray nevertheless held to his position, and under these circumstances Bartlett informed García Conde that it would not be proper to continue work on the line.³³ He now suspended the survey officially on the part of the United States, asking García Conde to do the same, but the Mexican commissioner refused, declaring his intention to finish the survey.³⁴ He reasoned that the initial point on the Río Grande was fixed and that he could agree to no other, giving the opinion that if Bartlett had the authority to appoint Whipple surveyor *ad interim* as he claimed, there could be no change.³⁵ The Mexican section of the Joint Commission then continued to survey 32° 22' to its western terminus, allowing no sacrifice to delay the conclusion of the work. Having finished the southern line of New Mexico on 1 October 1851, García Conde began work on the western line toward the Gila.³⁶ In doing so the general was following the instructions of his government.

The Joint United States and Mexican Boundary Commission had in fact now reached an impasse. García Conde adamantly held to 32° 22' while Bartlett, fettered by Gray's refusal to sign the documents relating to the initial point, could not continue operations on the line. Although the Joint Commission agreed to work on the riverine portions of the boundary, the dispute regarding the southern line of New Mexico was to be resolved only by the negotiation of the 1854 Gadsden Treaty which provided an entirely new line. The cause of the controversy was the vagueness with which the Treaty of Guadalupe Hidalgo described the southern boundary of New Mexico. This obscurity permitted one to take the line as laid down on Disturnell's map at 32° 22' and so mark it upon the earth. Or, one could take the position of El Paso del Norte as it appeared on the map and measure the distance from that point, as it appears on the earth, to the southern limit of New Mexico, which would place the line some 37 miles farther south.

The question remains, what was the original intention of the treaty commissioners? For some time historians have known the opinion of Nicholas Trist, the envoy whom the United States had sent to negotiate peace with Mexico. According to Trist, there should have been no boundary dispute whatsoever; the initial point of the southern boundary of New Mexico on the Río Grande was in north latitude 32° 22' 30". The parenthetical insertion in the treaty of the phrase "(which runs north of the town called Paso)" was only to make certain that the town remained in Mexico.³⁷ What historians have not known is the view of the Mexican government. In their correspondence with the Minister of Foreign Relations, treaty commissioners Bernardo Couto, Miguel Atristáin, and Luis Genaro referred to the line as running north of El Paso del Norte "...según se ve en el precitado Mapa" of Disturnell.³⁸ The commissioners were concerned about the vagueness of Chihuahua's boundaries, and because the exact location of the town as to latitude and longitude was unknown, they were afraid to cite a parallel lest they unwittingly place the settlement beyond the borders of the nation. Nowhere do the Mexican treaty commissioners state how far north of El Paso del Norte the line was, but

³²*Ibid.*, pp. 8-11.

³³Bartlett to García Conde, 29 July 1851, Expediente 24, p. 35.

³⁴*Report of the Secretary of War...*, 32nd Cong., 1st sess., 1852, S. Ex. Doc. 121 (Serial 627), pp. 22-23; and García Conde to Bartlett, 15 and 19 August 1851, Correspondence, V. Bartlett Papers.

³⁵García Conde to Bartlett, 3 August 1851, Expediente 24, p. 36.

³⁶Francisco Jiménez to Ministro de Relaciones, 24 January 1853, *Ibid.*, pp. 73-5.

³⁷Trist to *New York Evening Post*, draft letter in two parts, vol. 32, 1848 misc., and vol. 34, 20 June 1849-23 February 1853, *The Papers of Nicholas P. Trist* (Library of Congress, Washington); and William H. Goetzmann, *Army Exploration in the American West, 1803-1863* (New Haven, 1959), pp. 189-91.

³⁸Couto, Atristáin, and Genaro to Luis de la Rosa, 16 January 1848, "Tratado de Paz, Amistad, Límites y Arreglo Definitivo de México y los Estados Unidos de A. - Firmado en Guadalupe Hidalgo, D.F., el 2 de febrero de 1848. - Correspondencia relacionada con los límites entre ambos países", Expediente H/351 (72: 73) "848"/21, p. 23, Archivo de la Secretaría de Relaciones Exteriores, Mexico City.



they did recognize Disturnell's line as the boundary.³⁹ This is also very clearly stated in García Conde's instructions. Both the Mexican and the United States treaty commissioners were in agreement then, that the southern boundary of New Mexico was as it appeared on Disturnell's map, that is, in 32° 22' north latitude. García Conde reached the same conclusion. Bartlett also concurred, insisting only that the line run the full three degrees of longitude westward. In the end, the Mexican government's worst fears were realized. The United States adopted and insisted upon Gray's interpretation of Article V of the Treaty of Guadalupe Hidalgo, and the controversy which resulted gave the northern republic the necessary diplomatic excuse to seek a new treaty. García Conde's great victory at El Paso del Norte in convincing Bartlett to accept the Mexican interpretation of the southern boundary of New Mexico had now turned into defeat and a further loss of territory to the United States in the Gadsden Treaty.

³⁹Couto, Atristáin, and Genaro to Ministro de Relaciones Exteriores, 25 January 1848, *Ibid.*, p. 41.

