

# PASSWORD



THE EL PASO COUNTY HISTORICAL SOCIETY

---

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## Contents

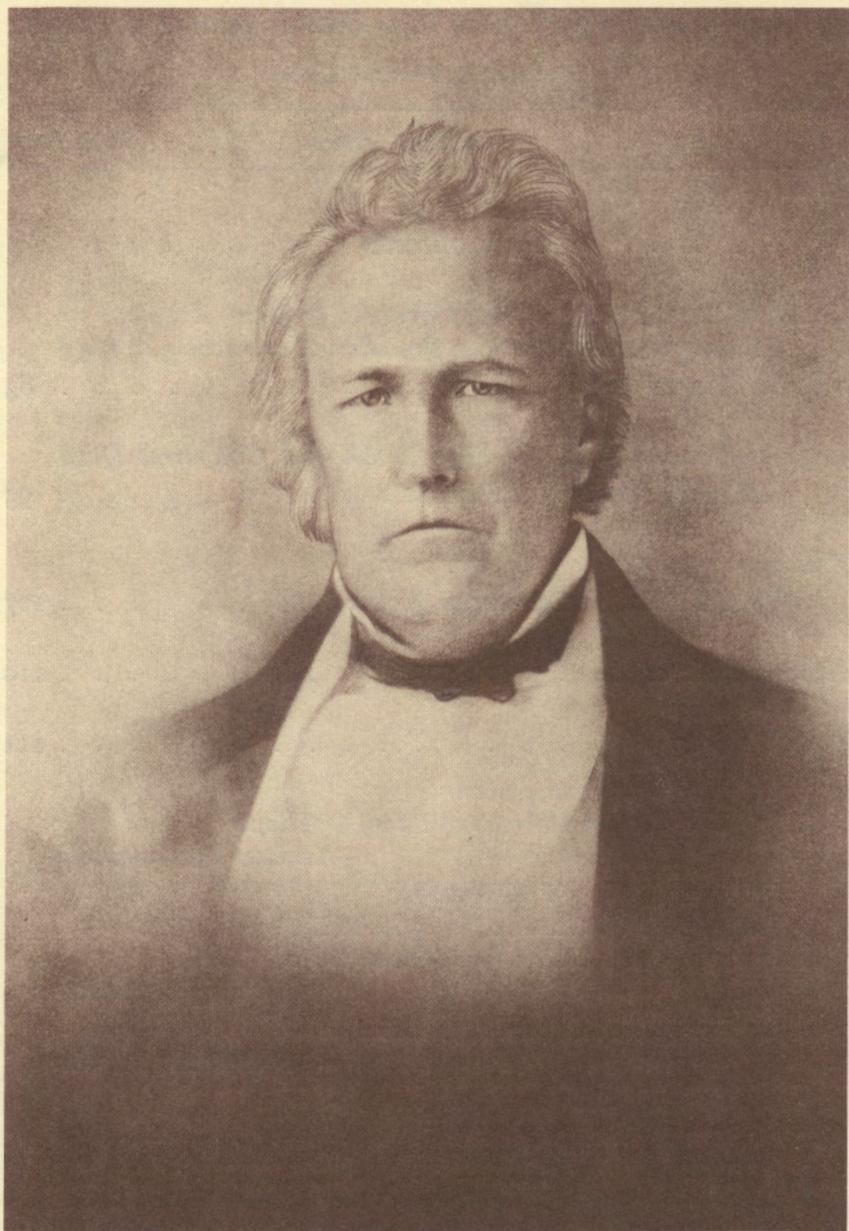
<i>David Meriwether, Territorial Governor of New Mexico: A Sidelight on the Mexican Boundary Controversy of 1853</i> By ROBERT N. MULLIN . . . . .	83
<i>Laws and Lawyers in the Sage Brush and Chaparral Days</i> Edited by EUGENE O. PORTER . . . . .	99
<i>The Army Mule</i> By COLONEL H. CRAMPTON JONES . . . . .	107
<i>Historical Notes</i> . . . . .	110
<i>Book Reviews</i> . . . . .	111
HARRIS, <i>Negro Frontiersman:</i> <i>The Western Memoirs of Henry O. Flipper</i> — LILLIAN COLLINGWOOD	
HERTZOG, <i>Old Town Albuquerque</i>	
HERTZOG, <i>La Fonda: The Inn of Santa Fé</i>	
HERTZOG, <i>Little Known Facts about Billy the Kid</i> — EUGENE O. PORTER	
LINDQUIST, <i>Jess Sweeten, Texas Lawman</i> — MARY ELLEN PORTER	
<i>Contributors to this Issue</i> . . . . .	115

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PASSWORD



DAVID MERIWETHER.

(The original is in the Museum of New Mexico, Santa Fe.)

## *David Meriwether, Territorial Governor of New Mexico*

A Sidelight on the Mexican Boundary Controversy of 1853

by ROBERT N. MULLIN

☞ Early in 1853 a boundary dispute between the United States and Mexico reached a point where another military conflict was threatened. The Treaty of Guadalupe Hidalgo of 1848 which ended the War with Mexico specified that the international boundary westward from the Rio Grande began "at the point where it [the river] strikes the southern boundary of New Mexico . . . which runs north of the town called Paso." But the "southern boundary of New Mexico" had never been clearly established and J. Disturnell's map of the United Mexican States, referred to in the treaty, was later found to be inaccurate. It showed the Rio Grande about 120 miles too far east and the town of Paso del Norte (Juárez) some 34 miles north of its actual location. This map indicated a line eight miles north of the erroneous Paso del Norte location as the official New Mexican boundary. A dispute naturally arose as to whether the official boundary should be established just north of the actual location of Paso del Norte or just north of the location mistakenly indicated on the map.

Mexico's demand in favor of the latter was strongly opposed, especially by some in the United States who believed that the disputed strip included the only feasible route for the hoped-for southern transcontinental railroad. Nevertheless American Boundary Commissioner John Russell Bartlett yielded to the demands of the Mexican Commissioner, General Pedro Garcia Conde, and agreed to a border line 42 miles north of Paso del Norte. However, Andrew B. Gray, surveyor member of the American commission, flatly declined to concur and refused to sign the document even when ordered to do so by Secretary of the Interior Alex. H. H. Stuart. Bartlett reported that the 6,000 square miles in question was worthless territory, unfit for habitation except for a small strip around Mesilla. The latter, he contended, was at best worth no more than fifty cents or one dollar an acre and the village itself, inhabited solely by Mexican citizens, consisted merely of a few mud shacks. Gray, on the other hand, described the Mesilla valley as beautiful and fertile, aside from being the one natural gateway to the Pacific. Bartlett's contention was likewise challenged by William C. Lane, Territorial Governor of New Mexico, who reported that the residents of the Mesilla valley had petitioned that the United States maintain its jurisdiction and protection.

Thomas J. Rusk, U. S. Senator from Texas and Texas Congressman Volney E. Howard accomplished the disbandment of Bartlett's commission by a congressional stipulation that monies appropriated for operating the commission should not be in support of any boundary line other than that just north of the actual location of Paso del Norte. This was late in 1852.

Tension approached the danger point when Governor Lane went to Doña Ana and, on March 13, 1853, issued a proclamation asserting United States jurisdiction over the contested territory. General Angel Trias, governor of Chihuahua, promptly challenged Lane's pronouncement, threatening that Mexico would defend her rights by whatever means might be necessary. Colonel Edwin V. Sumner, commanding the Department of New Mexico of the U. S. Army, had recently submitted an official report to Washington, urging that the Territory of New Mexico be given back to the Indians and Mexicans; he now refused Governor Lane's request that U. S. troops at Fort Fillmore implement the Governor's proclamation of U. S. sovereignty in the Mesilla valley.

Tension further developed when General Trias proceeded to Paso del Norte with a force of about 800 soldiers. Moreover, the central government at Mexico City ordered the militia alerted and prepared for action; troops from adjacent states were directed to support General Trias; and "two companies of Lancers [were sent to] Mesilla to garrison that town against us." It was into this explosive situation that David Meriwether found himself projected when President Pierce hurriedly dispatched him to replace the aggressive Governor Lane.

\* \* \* \* \*

David Meriwether was born in Louisa County, Virginia, on October 30, 1800, and educated in the country schools of Jefferson County, Kentucky. He became a fur trader at the age of eighteen. Later he studied law and was admitted to the Kentucky bar. Entering politics he served in the state legislature from 1832 to 1845. He was an unsuccessful candidate for election to Congress in 1846, but was a delegate to the Kentucky state constitutional convention in 1851. Later he was named Secretary of State for Kentucky. Then, upon the death of Henry Clay in 1852 he was appointed to serve the remaining months of Clay's unexpired term in the United States Senate. He was not a candidate to succeed himself in the election of that year. He was appointed Territorial Governor and Superintendent of Indian Affairs for New Mexico on May 6, 1853 by President Pierce, who was his wife's cousin, and served until October 31, 1857. Returning to Kentucky he again ran successfully for the state

legislature and served in that body from 1858 to 1885, acting as speaker in 1859. After retirement in 1885 he lived on his plantation near Louisville until his death on April 4, 1893.

Before Meriwether was finally to participate in the ceremonies of lowering the flag of Mexico and raising that of the United States in the disputed territory, he was to be faced with an incendiary situation requiring cool judgment, diplomacy and firmness. "A controversy has unfortunately arisen as to the true southern boundary of that territory," wrote Secretary of State William L. Marcy in his long letter of instructions to the new governor on May 28, 1853. Continuing, Marcy noted: "In addition to the ordinary duties pertaining to the Chief Magistrate of a territory of the United States, others more difficult and delicate are devolved on you . . . that the rights and persons of the inhabitants are protected . . . and the jurisdiction of the U. States maintained. . . ."

Although the delicate situation in the boundary dispute was responsible for the selection of Meriwether as Territorial Governor, he soon found himself faced with the pressing problems of Indian depredations and inter-tribal conflicts. It was his difficult duty to try (he was unsuccessful) to explain to the Jicarillo Apaches why the government would not live up to the treaty previously negotiated by the Indian Agent James Calhoun. Meriwether successfully negotiated a treaty with the Mescalero Apaches which ended their far-flung forays and confined them to a reservation arranged for by the Governor. He aroused indignant public furor when, as Superintendent of Indian Affairs, he dared to order the arrest and detention of the Territory's beloved popular hero, Kit Carson, for continued failure to maintain the accounting records required of him as Indian Agent for the Utes.

The *affaire Carson* was not alone in arousing resentment against the governor. His insistence on weighing both sides in the Indian controversies antagonized many citizens. Furthermore, "Governor Meriwether, shortly after his arrival in Santa Fé, thought proper to put a stop to a snug piece of swindling on the public treasury." This obviously involved the removal of E. H. Wingfield as Indian Agent at Ft. Webster. All in all, enough toes were stepped on that on the night of March 24, 1854, Meriwether was burned in effigy from the flagstaff in the Plaza at Santa Fé.

\* \* \* \* \*

According to Mr. William Meriwether Dorr, David Meriwether dictated his memoirs to his daughter and, possibly, to his grand daughter. It appears that a quarter of a century after the Governor's

death a member of the Meriwether family gave a copy to the late Maurice Garland Fulton, New Mexico historian. Mr. Fulton proposed to annotate and prepare the work for publication. This project failed to materialize and in 1947 Mr. Fulton supplied this writer with that portion of the paper which dealt with Gov. Meriwether's experiences in the conclusion of the border dispute with Mexico. David Meriwether wrote:

Some time in the month of May [1853] following (i.e. [illegible]) I received a telegraphic dispatch from Mr. Guthrie, who had been appointed secretary of the treasury,<sup>1</sup> requesting me to hasten to Washington as soon as possible. I started the next day and arrived at Washington City at 6 o'clock one morning. Immediately after breakfast I called upon Mr. Guthrie at his private residence to inquire what he desired. He informed me that the President desired to appoint me governor of New Mexico. I told him that I could see no object in the world to my going to that country as I had a large family of children at home in whose rearing and education I desired to assist. He then told me that we were about to have another war with Mexico over the boundary line between the two countries, and the President had told his cabinet to select a man for whose prudence and firmness one or more of them could vouch and to present his man the next day. Mr. Guthrie said further that on the assembling of the cabinet the next morning, Mr. Marcy,<sup>2</sup> the secretary of state was asked by the President if he had a suitable name to present to him to go out as governor of New Mexico. To this Mr. Marcy replied in the negative. He then asked Mr. Guthrie if he had a name to present to him, and Mr. Guthrie responded that he knew a man for whose prudence and firmness he would vouch, but he did not know whether he would accept it or not. Mr. Guthrie further told me that he then presented my name, when the President asked if he hadn't introduced me to him, and Mr. Guthrie responded in the affirmative. The President said, "I recollect Mr. Meriwether now and I liked his looks. Telegraph him to come here immediately." After telling me all this Mr. Guthrie added, "It is proper for you to go around and thank the President whether you accept the office or not; and as I am going to see him this morning, I will go with you."

On arriving at the White House, Mr. Guthrie said to the President, "Mr. Meriwether has come on in obedience to my dispatch, but I don't believe he will consent to go to New Mexico." The President asked, "Why?" Upon which I told him the reasons I had given to Mr. Guthrie and added that I was once a prisoner in New Mexico

and was released upon my promising never to return there.<sup>3</sup> The President asked me if I had been in the Mexican War, to which I responded in the negative, but told him of being captured about 30 years before. "Well," said the President, "the statute of limitation bars your promise."

The President and Mr. Guthrie began discussing the boundary question and the probabilities of war growing out of it, when I remarked, "Gentlemen, I don't think you understand that question." I was asked, "How do you understand it?" To which I replied, "The treaty by which New Mexico was ceded to the United States provided that each government should appoint a commissioner, an astronomer, and a surveyor to locate the line, and when the line is completed and a map made of it and signed by all the parties, it is then to become a part of the treaty." "Now," said I, "this line has never been finished, for after progressing some distance, the American surveyor protested that they were not running the line right and said he never would affix his signature to a map of that description." "Now," said I, "this line is no part of the treaty until it is finished." This appeared to surprise the two gentlemen and I was asked where I got my information. To this I replied that when in the senate of the United States, a committee was appointed to investigate this subject and I was placed on that committee. I was then asked if the committee had made a report. To this I replied that I had drafted the report myself. I was also asked if the report had ever been printed. I said, "Yes, I read the report in the *Daily Globe*<sup>4</sup> a few days after the committee had made it."

The President summoned his private secretary and asked me to give him as near as I could the date of the printing of this report, and the private secretary was directed to hunt it up. In a short time the secretary returned with the report of the committee to read it to us. When the reading was finished, the President turned to me and said, "You have to go to New Mexico. You know [more] about this matter than any of us do." I then consented to accept the office on condition that I might be permitted to resign whenever this boundary question could be settled.

\* \* \* \* \*

I think it was during the winter of 1854 and 55 that a merchant residing in the city of Mexico came to visit his brother in New Mexico and informed me that Gen. Gadsden,<sup>5</sup> our minister to Mexico, had negotiated a treaty with that government by which the old boundary line claimed by the United States had been established between the Rocky Mountains and the Rio Grande, but including a vast territory

west of the mountains and to the head of the gulf of California, and that his excellency, Santa Anna, president of Mexico, had issued an order to the governor of Chihuahua, directing him to surrender possession of the disputed territory, as far as the boundary line had been run. But owing to some cause or other, this order had never been promulgated.

This induced me to write to Gen. Gadsden, requesting him that if this story be true to send me a description of the boundary and also a copy of this order. This letter I sent by the gentleman who gave me the information, and soon afterward received a letter from Gen. Gadsden, saying that as this treaty had never been ratified he did not feel at liberty to disclose anything it contained. By the same messenger who brought Mr. Gadsden's reply I received a letter from the gentleman who had visited me in Santa Fé, containing a properly authenticated copy of the order of the president of Mexico, directing the surrender of the disputed property.

On receipt of this letter I addressed a communication to Gov. Trieste, governor of Chihuahua,<sup>6</sup> requesting to know of him if on the production of such a paper, he would feel at liberty to surrender possession of the territory in dispute. To this he responded in the affirmative, provided I appeared with a force sufficient to protect the citizens from Indian depredations.

\* \* \* \* \*

On my return from this Indian conference<sup>7</sup> I determined to visit Gov. Trieste of Chihuahua, and if possible get peaceable possession of the disputed territory. On informing Gen. Garland<sup>8</sup> of this he said he would accompany me and take a portion of the garrison from each of the military posts on our route, so as to show to the governor of Chihuahua that we were strong enough to protect the people residing in the disputed territory from the Indians if we obtained possession of it. On arriving at Las Lunas (the moon) the general ordered Capt. Ewell<sup>9</sup> to take a company from that post and go with us. At Fort Craig he took another company; and at Fort Thorn he got still another company, all of which were placed under command of Capt. Ewell. As the roads were very heavy, we determined to spend the day at Fort Thorn for rest to ourselves and our animals. But the next morning, while we were eating breakfast, an express arrived from Col. Miles,<sup>10</sup> who then commanded at Fort Webster, informing the General that the Governor of Chihuahua did not intend to surrender the disputed territory to us but was placing additional troops upon it; and that he (Miles) had addressed a letter

to the Governor saying that if he continued to place additional troops there, he (Miles) would order out a battery and bombard the city of El Paso across the river.

On this letter being read to me, I insisted that we should start immediately for Fort Webster, when General Garland, as I thought, rather carelessly remarked, "There is no use of being in haste about it." But by continuous importunity on my part, he consented to start that day after dinner. Here we had to cross the river, as all the posts below Fort Thorn were on the eastern bank thereof. After dinner we effected our crossing, and, going some ten or fifteen miles, encamped for the night. After supper, while we were chatting around the camp fire, another express arrived from Col. Miles, informing the General that Gov. Trieste still continued to put additional troops upon the disputed territory. Upon being made aware of which, he (Miles) had addressed another letter to Gov. Trieste, saying that he (Miles) would bombard El Paso the next day if another soldier were added to the Mexican force. I at once proposed to Gen. Garland that we should hitch up and travel all night, and try to reach Fort Webster before the bombarding commenced. To this Gen. Garland responded again, "There is no cause for hurry." On which I said to the General, "You may do as you please, but I intend to start immediately for Fort Webster." Then Gen. Garland burst into a laugh and remarked to his adjutant general, Major Nichols,<sup>11</sup> "The Governor don't know Miles as well as you and I do, Nick." "Now," said he, "there is not a word of truth in all this; Miles is only letting off a little gas." "Moreover," said he, "Fort Webster is about fifty miles above El Paso, and Fort Bliss is nearly opposite that town: and if any bombardment was intended it would come from the latter post and not from Fort Webster."

This explanation satisfied me, and next we proceeded to the town of Doña Ana, where we found Col. Miles and several officers had gotten up a big fandango for that night in honor of our arrival. I did not feel like attending a fandango at this time, as I was much fatigued from a journey of over two hundred miles, and over a rough road. But as I had never visited this part of the territory before, as a mark of respect to the citizens, I attended for a few hours. The next morning we were informed that the citizens would give us a public dinner that day, when I would be expected to make them a speech. However I found myself so hoarse that I was not able to do so, but met them at the dinner table, and the next day proceeded to Fort Webster. Here I found Raymond<sup>12</sup> so sick as not to be able to

proceed with me any further and I had to leave him under the care of the surgeon of the post and the nursing of Mrs. Miles, the good wife of the Colonel.

The next morning we started again, and soon passed the line between the territory of New Mexico and the state of Texas, which was pointed out to me by an officer who accompanied us from Fort Webster. That night we arrived at the residence and mill of Judge Hart, which was on the American side of the river and at its falls, where there is excellent water power. Here Major Cusenbery<sup>13</sup> of the quartermaster department was taken so sick as to compel us to leave him. In the course of the evening Judge Hart informed me that he was a Kentuckian, from Scott county where he had been born and raised to manhood. When a young man he had emigrated to Missouri and joined Col. Doniphan's command, then about to join Gen. Kearny on his march to Santa Fé and the city of Chihuahua, which expedition commenced early in the Mexican War. I think he said he was elected lieutenant in one of the companies and proceeded with the command to the vicinity of El Paso. Here he was taken violently sick and had to be left at the house of a Mexican, where he remained until the close of the war, when he married either the daughter or the niece — I have forgotten which — of the Mexican at whose house he had been left. By this marriage he acquired considerable funds with which he had built his present residence and a large flour mill, where he manufactured a fine article of flour and had a contract with the quartermaster's department to supply the western military posts in Texas and the southern posts in New Mexico.

The next morning we visited Fort Bliss,<sup>14</sup> and I had an interview with his excellency, Governor Trieste of Chihuahua. Having exhibited the documents which I had with me, he at once consented to deliver possession of the disputed territory to us. It was agreed that our forces should cross the river above the falls at 12 o'clock the next day; and, on seeing the American flag approaching, he would pull down the Mexican flag, march his troops out of the fort leaving the gates open for our entrance.<sup>15</sup> Many conjectures were indulged in by the younger officers present, one opinion being that this was a ruse on the part of the governor of Chihuahua to get us under the guns of the fort, when fire would be opened upon us. But I indulged in no such fears, as, from the frank and manly manner of the Governor, I had no fears of the result.

On reaching within a few hundred yards of the fort, I saw the Mexican flag come down, the Mexican troops march out, and our troops march in. Then the American flag was at once hoisted on the

flag-staff so recently occupied by the Mexican flag. Our flag was saluted with two pieces of artillery which we had brought across the river with us. The band played "Hail, Columbia," "Yankee Doodle," and other national airs, at the close of which I arose to make a speech to the large crowd of Mexicans who had gathered to witness the transfer. I told the Mexicans, through an interpreter, that by peaceful negotiations, the disputed territory had been transferred to the United States; that I hoped they would prove themselves loyal and law-abiding citizens, but if they did not, I would feel it my duty at all hazards to see that the laws were executed; that any citizen who preferred the Mexican to the American government was at liberty to sell his possessions and move to the Mexican side of the line. But I hoped they would give the American government an opportunity of showing its advantages before doing so. I then caused a large number of proclamations, which had been printed in the Spanish language and which were of the same import as my speech, to be distributed among those present. The Mexicans appeared to be satisfied with what I had said to them and applauded lustily, many coming to be introduced to me, and to whom I gave a cordial shake of the hand.

That night I returned to Judge Hart's residence, leaving a company of United States soldiers in possession of the only military post on the disputed territory previously held by the Mexicans. Here Gen. Garland informed me that he would again visit Fort Bliss for the purpose of making an inspection, which would detain him for a day or two, and that he would have to stop a day or two for a like purpose at each of the other military posts as he returned to Santa Fé. I was in a great hurry to return, so it was agreed that we should divide the escort, I to proceed with Capt. Ewell and a part of the soldiers with as much haste as possible.

This evening I spent in social converse with Mr. and Mrs. Hart, the latter of whom understood English well but never attempted to speak it. On asking an explanation of this, the Judge informed me that when she had first learned some of the language and attempted to speak it in company with some Americans, she had made a ludicrous mistake, at which the Americans laughed; after this she refused to attempt to speak the English language before strangers, though she spoke English to him and her children. So I had to talk to her in English and she would reply in Spanish. I found her to be an accomplished lady in every respect. When we were about to retire for the night, she asked me at what hour we proposed leaving in the morning, and I said, "We want to get off by 5 o'clock." She then said,

"I will see that you are called at 4, and at this hour we were aroused and soon after were invited into the dining room, where we found Mrs. Hart sitting at the head of the table, and a luxurious breakfast prepared for us, after which we departed for Fort Webster.

#### R E F E R E N C E S

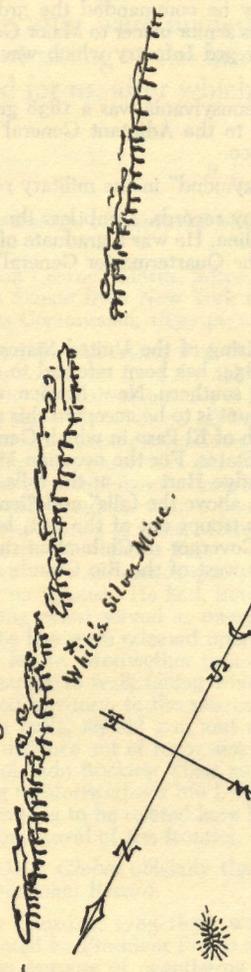
1. James Guthrie of Kentucky was Secretary of the Treasury in Pierce's cabinet, 1853-1857.
2. William Learned Marcy, Secretary of State under Pierce, had served in the United States Senate from New York from 1831-32; served as a member of the Mexican Claims Commission, 1839-42; and as Secretary of War, 1845-49.
3. In 1819 the American Fur Company dispatched nineteen-year old David Meriwether southwest from the Arkansas river to trade for furs and to solicit permission from the Spanish authorities to hunt and trap in the territory. He took with him the young slave boy who was his body servant, and a small group of Pawnee Indians as hunters. At a point on the Canadian river just west of the present Texas-New Mexico boundary the party was attacked by a patrol of Mexican soldiers. Nearly all the Indians were killed, only three being known to have escaped with their lives. Young Meriwether and the Negro boy were captured and taken to Santa Fé where they were imprisoned as spies, Meriwether being confined in a "filthy prison" at the west end of the Governor's Palace. During repeated inquisitions before the Governor, Meriwether was handicapped since no one in Santa Fé understood English and he spoke no Spanish. He had, however, a slight knowledge of French and a French-speaking priest served as interpreter. After a month of imprisonment Meriwether and the boy were released upon condition they leave the territory immediately and never return. Meriwether protested against being turned out without their horses or firearms, to walk facing winter weather over a thousand miles through Indian-infested territory, to the nearest American settlement. Finally, each was provided with a mule, an old gun and a few charges of powder and lead and escorted a short distance out of town, not east whence they had come, but due north toward the Colorado Rockies. Their adventures before reaching civilization, including the saving of Meriwether's life by the slave boy in a hand-to-hand fight with Indians, are too long to be related here but they form a story as dramatic as the most exciting dime novel of the frontier.
4. The *Daily Globe*, officially the *Congressional Globe*, was the predecessor of the *Congressional Record*.
5. James Gadsden, 1785-1858, was minister to Mexico from 1853 to 1857. He was appointed by President Pierce upon the recommendation of Jefferson Davis for the express purpose of negotiating a treaty with President Santa Ana for the United States acquisition of territory believed necessary as a route for a proposed southern trans-continental railroad.
6. This is evidently a mis-spelling. The governor of Chihuahua at that time was General Angel Trias.
7. Obviously one of the many parleys with various tribal groups where Meriwether endeavored to negotiate treaties ending the depredations which continually plagued the territory.
8. Colonel (Brevet Brigadier General) John Garland, 8th U. S. Infantry, commanding U. S. Department of New Mexico, previously commanded Fort Chadbourne, Texas. A Virginian, he was appointed to the army from civilian life in 1831. He was killed in the engagement at Harper's Ferry, Virginia, during the Civil War.
9. Captain Richard S. Ewell, a Virginian, was in command of the 1st Dragoons stationed at Las Lunas. He was graduated from the U. S. Military Academy in 1840. Later, as Lt. General, C.S.A., he commanded the 11th Corps at the Battle of Gettysburg.

10. Lt. Colonel Dixon S. Miles, was a graduate of the U. S. Military Academy, class of 1824. At the time of the boundary controversy he commanded the 3rd Infantry with headquarters at Fort Fillmore where he was senior officer to Major Gouverneur Morris who commanded the detachment of the 3rd Infantry which was stationed at Fort Webster.
11. Captain (Bvt. Major) William A. Nichols of Pennsylvania was a 1838 graduate of the U. S. Military Academy. He was attached to the Adjutant General's Department, assigned to the Department of New Mexico.
12. This writer has been unable to identify any "Raymond" in the military records.
13. There is no Major Cusenbery listed in the Army records. Doubtless the reference is to Major Samuel B. Dusenbery of North Carolina. He was a graduate of the U. S. Military Academy, 1820. He was attached to the Quartermaster General's Department. He died in Santa Fé on April 5, 1855.
14. Magoffinsville site.
15. The lowering of the flag of Mexico and the raising of the United States flag over the court house at Mesilla on November 16, 1854, has been referred to as the act formalizing the United States' acquisition of southern New Mexico under the Gadsden Treaty. However, if Meriwether's account is to be accepted this must have been preceded by a formal ceremony just north of El Paso in which General Trias officially transferred jurisdiction to the United States. For the occasion Meriwether had gone to Fort Bliss and "the residence of Judge Hart . . . at the falls." In company with U. S. Troops he was "cross the river, above the falls" and General Trias was to "pull down the Mexican flag, march his troops out of the fort, leaving the gates open. . . ." Thus it would seem that the Governor of Chihuahua surrendered the disputed territory at a Mexican fortification west of the Rio Grande and north of Hart's Mill.

EDITOR'S NOTE: Colonel Mansfield, whose letter and map appear on the following pages, made a tour of inspection of the military posts in New Mexico in 1853. The complete title of his report is: *Report of Jos. K. F. Mansfield, Colonel & Inspector General, United States Army, Regarding His Inspection of the Department of New Mexico During the Summer and Fall of the Year 1853.*

Major Richard K. McMaster edited the Mansfield Report and it was published in *PASSWORD*, Vol. IV, No. 3 (July, 1959). The edited article also includes a photograph of Mansfield and a map giving the locations of all the forts at that time in the Territory of New Mexico.

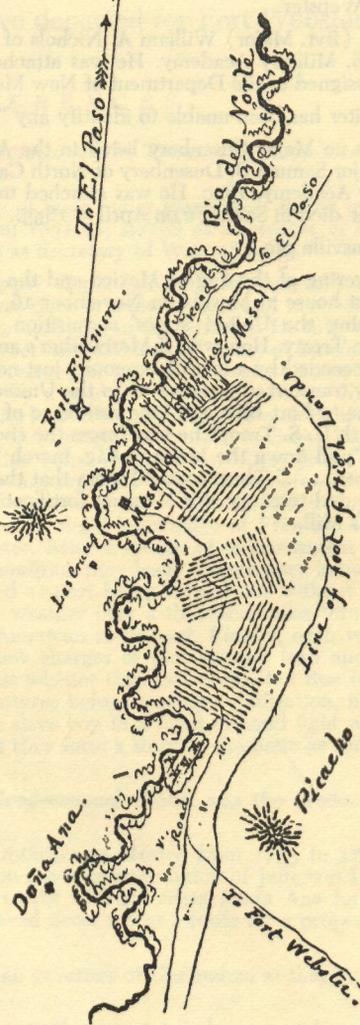
Organo Mountain.



Doña Ana Mts.

To El Paso  $\gggg$   $\rightarrow$  E by S.

Fort. Fillmore.



Broken Mesas & Mounds here.

25<sup>th</sup> Oct 1853.

Jos. H. F. Mansfield,  
Col & Capt Genl  
U. S. Army

MAP BY COLONEL MANSFIELD

Fork Hill near New Mexico  
25<sup>th</sup> Oct 1853.

His Excellency Gov Meriwether  
Santa Fe  
New Mexico

Sir.

Agreeably to the conversation I had with you while in Santa Fe. I now have to write to you as to the fertility of the valley of Mesilla, & its extent.

I have found that that valley from the north end, to the southern limit of the village of St Thomas, the extent of the cultivated region, say ten miles by an average breadth of two & a half miles in Territory; altho I suppose the cultivated land would not average for that length one one & a half miles broad, - 15 square miles already under cultivation, besides the grazing land &c. The acequia commences at the north end at the Peacher on the river, & runs the entire length of the valley, and affords abundance of water.

The soil judging from the fine corn, & pumpkins, & melons, &c &c; is as good as any I have seen in New Mexico. There is a population there of about

3000 souls, and the Mesilla village is flourishing, and extensive. — On the next page I send you a sketch of the locality with explanations.

From St. Thomas to Armo's state further south is 20 miles, and thence to El Paso 18 miles. This part of the disputed Territory, I have not passed over; but understand the soil is saline & not so valuable for cultivation; and the bottom land not so broad, the most of the bottom land below being on our side of the Rio del Norte. In short I presume the tilable lands to lay between the Picacho & the Mesa.

I shall leave this Territory in a few days, and take this opportunity to present to you my good wishes for your successful administration, & the enjoyment of health and happiness.

I have the honor to be  
Very Respectfully  
Your Obedt Servt

Jos. W. P. Mansfield,  
Col. & Inspector Genl

Recd 31. Jan'y + Mr C' D. Meriwether.  
Dec. 15.

Executive Office  
Santa Fe N. M. December 15<sup>th</sup> 1853.

Hon Wm L. Marcy  
Secretary of State  
Sir

I have the honor herewith to enclose you a sketch of the Mesilla Valley made by Col<sup>l</sup> Mansfield Inspector Genl of the United States Army and transmitted to me by the Southern mail which arrived last evening. Other information received by me corroborates the opinions expressed by the Col<sup>l</sup> as to the extent fertility and population of the disputed territory

In a former communication I had the honor to inform you of the murder of an Indian Chief by a citizen of this disputed territory within the undisputed limits of New Mexico. It now becomes my duty to inform you that at the November term of the district Court for Dona Ana County this man was indicted for murder and the United States Marshall proceeded to the residence of the murderer for the purpose of arresting him. The Marshall did not see the man but he was informed by the Mexican authorities that he would not be permitted to make an arrest within the disputed territory the Marshall then applied to Major Backus the Commanding officer at Fort Fillmore which is near at hand for assistance which was declined.

I understand that many of the Indians belonging to the

band of the murdered Chief attended the Court and — expressed great satisfaction at the indictment of the murder but when informed that he could not be arrested they departed threatening vengeance against the all Mexicans and particularly those of Mesilla.

I apprehend that the refusal to surrender this murderer will result in depredations by the Indians upon the Mexican and then heavy claims for damages against the government of the United States

I have the honor to be,  
very respectfully your Obedt. Servt.  
D Meriwether  
Govr of New Mexico

## Law and Lawyers in the Sage Brush and Chaparral Days

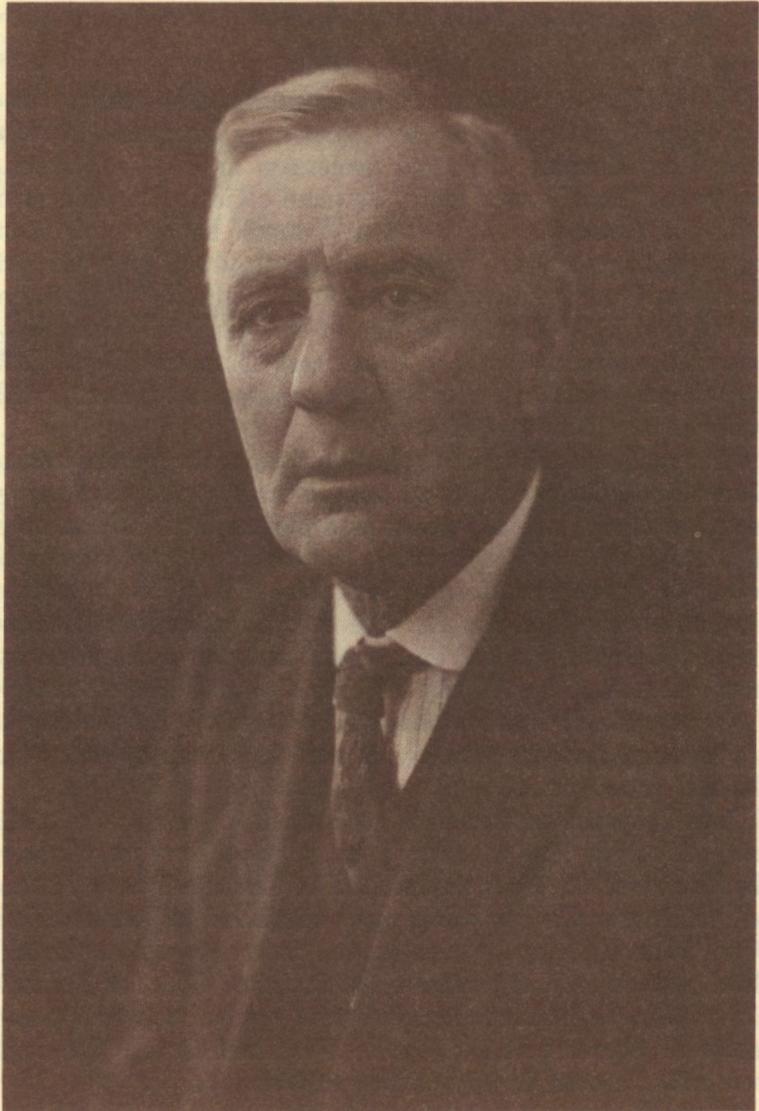
edited by EUGENE O. PORTER

☞ The El Paso Bar was made into a permanent association on June 7, 1897. Wyndham Kemp was elected its first president. Until its formal organization the legal profession of El Paso, although known as the "Bar," was a loose, de facto society. On January 13, 1902 the Bar Association held its first "annual" banquet. Mr. Kemp served as toastmaster and William Michie Coldwell gave the principal address. Other speakers included A. M. Walthall, W. H. Burges, A. B. Fall and J. M. Dean. The title of Mr. Coldwell's speech was "Law and Lawyers in the Sage Brush and Chaparral Days." Later the speech was published as an eight-page pamphlet under the title: *How Civilization Came to El Paso.*<sup>1</sup>

The Bar made no mistake in selecting their main speaker because William Michie Coldwell was an unusual man. Aside from being a respected attorney, he was known as a philosopher with an exceptional sense of humor. For instance, he was once asked at a public gathering to define the Mason-Dixon Line. "It is," he responded, "a line between truth and trade." He enjoyed as hobbies the study of French, German, Italian, and Greek and was recognized as a linguist of much ability. When William Coldwell passed away on July 25, 1927, the *El Paso Herald* noted editorially that the city had "lost a leading pioneer attorney, as well as a man of exceptional intellectual endowment."

William Coldwell was not a native Texan but was born in Michies Landing, Arkansas. The date was June 25, 1855. Two years later the Coldwells moved to Texas and settled in Tarrant County but soon moved to Grimes County where they continued to live until after the Civil War. The family then moved to Austin where the elder Coldwell was appointed justice of the Supreme Court of Texas. He continued to serve in that capacity until 1873 when he was appointed Collector of Customs at El Paso by President Grant. The family arrived in El Paso on Christmas Day of that year.

In its month-long trip from Austin to El Paso, the Coldwell family traveled in an ambulance. There is a legend to the effect that the wheels of their conveyance were captured from the carriage of the famous British General Cornwallis by a relative of the Coldwells during the American Revolution. Be that as it may, at Fort Davis a troop of cavalry joined them in order to give protection against



WILLIAM MICHIE COLDWELL

provided in an answer to the effect that the  
which of their conveyances were captured from the control of the  
famous British General Cornwallis by a relative of the Coldwells  
during the American Revolution. He died at Fort Davis  
a troop of cavalry joined them in order to give protection against

the Indians. Later William claimed that he did not come to El Paso but was brought by parental authority and a troop of United States cavalry.

Upon arrival in the border city young Coldwell was given a position with the customs office as a line-rider, but he devoted much of his time to the study of law which was his chief interest. He was admitted to the practice of law in 1875 and shortly thereafter entered into a partnership with his brother-in-law, James P. Hague.<sup>2</sup> This lasted until 1886 when it was dissolved. Meanwhile, in 1884, Coldwell married Miss Stella Brinck in the Church of St. Clement.<sup>3</sup> Later he said that he and his wife were the first Anglo-Saxon couple to be married in El Paso, to remain in El Paso, and to rear a family to maturity. Eight children were born to them and only one died in infancy. Three are still living in the city of their birth. They are Mrs. W. R. Collins, Mr. Colbert Coldwell and Commander Harold Coldwell, U.S.N. (Ret.).

After dissolution of the partnership with Hague, Coldwell practised alone until 1904 when he entered into a partnership with Joseph U. Sweeney. This was to last twenty-two years. Meanwhile, in 1906 when Sweeney was elected mayor of El Paso, he appointed his partner city attorney, and Coldwell continued in this position until 1913.

The "exceptional intellectual endowment" of William Michie Coldwell, as noted upon his death by the *El Paso Herald*, is easily discerned in the speech he delivered more than sixty years ago to the El Paso Bar Association. The speech, with the appended glossary, as it was printed in pamphlet form, follows:

## HOW CIVILIZATION CAME TO EL PASO

*by William Michie Coldwell*

Mr. President, Honored Guests and Professional Brothers:

With a natural modesty, so unobtrusive and retiring that it has never ventured to expose itself to the observation of my oldest acquaintances, and which has been increased by many years connection with the most diffident of professions, I was at loss to conjecture the reason why I was elected to respond to any toast on this occasion, but at last the truth dawned upon me — not at once — not with one burst of assuredness and splendor, as the tropic sun sweeps out of the mid-Pacific, but slowly, painfully, and with infinite reluctance, as the consciousness of error upon an Appellate Court during the

argument of a motion for a rehearing. Bacon has said: "Some men are born great, some achieve greatness, and some have greatness thrust upon them"; but Bacon's genius, universal as it seems, was not broad enough to grasp all the limitless possibilities of nature. Some men acquire greatness by some one or the other of the paths he mentions — *some men*, gentlemen, but *some* is a collective word, implying plurality; and, what is more to be noted, equality among its members, while one man, and one alone, has practiced law for nearly thirty years without following the majority to the grave, or his clients to Huntsville. With proud modesty, I confess it — I am that man! Sieyes, when asked: "What memorable thing did you do in the time of Robespierres?" answered: "I survived"; and I adopt that answer as a sufficient explanation of my present honors.

Death and the sheriff have been busy among my contemporaries, and I stand solitary and alone, in all the magnitude of isolation, in the solitude they have made. What are the horrors of the Red Days of Terror in comparison with those I have witnessed and survived: — When Billy the Kid was abroad in the land; when, if you stepped out in the gloaming to chat with your washerwoman's daughter solely as to the possibilities of her mother surrendering last week's washing without cash payment — you had to beat a band of rustlers and a pistol ball or two in a mad dash to your room, only to find a man to whom you owed a small poker balance in possession, awaiting your return; when drinks sold three for a dollar, and board, without lodging was \$60 a month, payable (by lawyers) in advance; when any stage might bring an officer with an extradition warrant for the city-looking stranger — the only man in town who wore a waistcoat, and who was anxious to learn poker, and who stood treats to the crowd a dozen times a night down at Ben Dowell's; when, after you had spent valueless time and invaluable sotol in making the opposition attorney too happy to think of such a little matter as filing an answer, you were apt to be informed by the sheriff on default day that he had a note from the judge at the other end of the district that the stage company would not take state warrants for stage fare, and to adjourn court for the term.

The uncharitable have said that our tribulations were the just and natural consequences of our characters and conduct; that in those days few mothers had marriage certificates, and fewer men had names that would be recognized back where they came from; that there was not a horse that had not changed owners without such formalities as bills of sale and the payment of a consideration; that if Kipling had been in El Paso thirty years ago he would not have sung any-

thing about Suez, the Ten Commandments, and thirst, but would have plagiarized Saulsbury, who a generation even before my time, summed up the situation, substantially as follows:

“Where the Rio Grande ripples, when there’s water in its bed;  
Where no whiskey is ever drunken,— all prefer mescal instead:  
Where no lie is ever uttered,— being nothing one can trade;  
Where no marriage vows are broken, since the same are never made.”

But such men are malicious slanderers who will speak evil of anyone — even of a lawyer.

We did not have to keep up with the reports in those halcyon days; and the consultation of authorities was pleasantly brief. The first volume of Blackstone, Tidd’s Practice, Cruises’ Digest, and a backless copy of Oldham & White’s Texas Statutes, constituted the joint and several, individual and collective library of the El Paso Bar.

The year before I was admitted, all the criminal cases were continued by operation of law. The deputy clerk had lost Oldham & White; his brother-in-law was under indictment, and the state’s only witness was a hopeless consumptive. The deputy was discharged, but as there were no fees attached to the office he did not object. The witness died and the indictment was dismissed.

The fraternity had a keen eye for merit — they detected mine. I wonder why litigants have not been equally discerning. It is true that one of the members of the examining committee held office under my father; another had borrowed \$5 from me the day before (it was all I had — he asked for \$10), and the third was a constitutional and skeptical misanthrope in the last stages of a mortal malady, who hated this world and feared no other. But these factors were not the basis of their report; at least, they did not mention them. It is a proof of the slowness of retribution, that two of these misguided men survived, apparently untroubled by conscience, for three or four years; the district judge did not live so long — and I never knew his excuse.

I have said little about the practice of law in those anti-diluvian days — the essay on the snakes in Ireland was necessarily brief — for there was very little litigation in a country where land had no value, men no credit, and it was a breach of manners to mention the criminal code. It is true we had most of the paraphernalia of justice — judges, sheriffs, lawyers and juries; nothing was lacking except clients, and if a few were found it was a practical impossibility to get the judge, sheriffs, juries and attorneys all sober at the same time so as to constitute that majestic and collective whole denominated a court. If it

were ever done, the litigants cast one startled look on the assemblage and compromised their cases. There is an uncorroborated tradition to the effect that one or two of us had pay clients, but no lawyer was so verdant as to try a case as long as his employer was able to continue paying "refreshers." When a client went into bankruptcy it was a waste of time to do so.

Yet life had its compensations; democracy was still keeping house with Jeffersonian principles for furniture and had not yet traded them off for a new assortment at the second-hand store with the former proprietor thrown in as Major Domo; there were no Courts of Civil Appeals, and no Federal Judge had ever held court within five hundred miles of El Paso.<sup>4</sup> District Judges died numerously, suddenly and violently. We had six in five years. One signed another man's name to a quit-claim deed, and an appreciative State (it was an Austin jury that did it) gave him board and lodging and variegated clothing for a term of years in a retired institution; the next one was killed by a lawyer to whom an ungrateful profession has denied a monument; another was impeached because he was a Republican and was drawing a salary that a Democrat needed. Besides he was an unnaturalized Englishman who wanted lawyers who didn't have shirts, to wear horse-hair wigs and barrister's gowns. Still another perished in the midst of a popular uprising, and his successor was so horrified by the terrors of his situation that he temporarily lost the possession of his faculties and thus became qualified for election to the Texas Legislature, to which office he was condemned before he recovered his senses.

Slight premonitory shocks announce the earthquake's awakening. Tom Falvey came to the county as district attorney. He had limitless methods of expenditure, and only one of acquisition — fees for felony convictions! From the Conchos to the Rio Grande and back again, he ravaged in our midst, like a wolf in the fold, or the Court of Criminal Appeals among the precedents. The road to Huntsville was one long procession of downcast convicts. The hillsides resounded with the flying footsteps of those who fled to escape contributing their labor to the State and \$30 to the District Attorney. Arizona and New Mexico date their growth from Falvey's District Attorneyship. The population of Fort Stockton fled in a body. Fort Davis became nothing but a stage stand; San Elizario lost 200 in a single night, and the population of the county as shown by the census, decreased twelve hundred. The second ward had but three voters left; the rattle of the Chuzas balls was no longer heard in the land; grass grew rankly on the dirt floor in front of Ben Dowell's bar.

Then came the reaction. Patience was exhausted. The few survivors assembled and gave the too-zealous District Attorney the choice of a vigilance committee or the district judgeship. He chose the latter, took sanctuary on the bench and remained there for fifteen years, until the lapse of time and the advent of a new generation enabled him to descend with comparative impunity. For a time, there was an attempt to resume the ancient life, but half-heartedly and dejectedly. For two months there was but one man killed between here and Limpia; and he was an overland passenger, who took a drink from his flask without first inviting the stage driver. Ben Dowell died. The next day Roy Bean crossed the Pecos bringing with him the law and the latest bill of costs. Then came the avalanche of railroads, telegraph lines, high five democratic primaries, ward heelers, and all the other paraphernalia of civilization and metropolitan society.

Some of you gentlemen came in on the flood. From your influence and example we pre-Adamites derived unspeakable benefit. All things die; poetry and romance, song and saga disappear in the presence of Bradstreet's Agency and real estate broker's commissions. There are golf links in the plain of Marathon; summer hotels at Delphi; a switchback railroad on the Roman forum; a national bank on the site of the saloon where Conklin died in the prettiest gun fight ever seen in El Paso; and nightly the Salvation Army lassies pass the hat on the very spot where Studenmeyer demonstrated the superiority of the hip shot.

Some may think that I have taken advantage of the absence of witnesses to exaggerate the occurrences of other days. I indignantly deny the imputation. I have adhered to the rigid record of the facts, with all the conscientiousness of the attorney for the plaintiff in his closing address to the jury in a suit for personal damages against a railroad company. The past is gone, and has left me as its most precious legacy to the present. I do not regret it, but occasionally I have melancholy reminders of vanished and irrevocable days. Only last year I saw Roy Bean lionized and treated by a carload of Pullman passengers, while I sat unnoticed and thirsty in a corner. I have my compensations: I am the survivor of my generation, and have generally had trousers that enabled me to wear short coats, while only gallantry prevented me from turning my back on a lady. The elders of the House of Jacob perished in the desert on the exodus from Egypt. A favored few were allowed to climb some Nebo of expectation and take a glance across Jordan at the goal of Hope; but I, like Joshua, have crossed its waters, and have been permitted to dwell for a season in the land of promise.

As I look around me, I compare the present with the past. I see sixty lawyers seated at a banquet board, loaded with the products of many countries and irrigated with the choicest vintages of France, California, and the rectifier (procured on credit; the caterer is a new-comer and not well acquainted with the El Paso Bar) while thirty years ago it was a matter of extreme difficulty, without cash equivalent, to procure frijoles, tortillas, and the indispensable tequila for one.

#### G L O S S A R Y

- Chaparral* — Low thorny shrubs.  
*Huntsville* — A Texas penitentiary.  
*Billy the Kid* — A notorious outlaw who was killed at the age of twenty-one after having killed twenty-one men.  
*Sotol* — A distilled Mexican liquor.  
*Chuzas* — A Mexican gambling game.  
*Roy Bean* — A famous justice of the peace at Langtry, Texas.  
*Studenmeyer* — Gunman and city marshal.  
*Tequila* — A distilled Mexican liquor.

#### R E F E R E N C E S

- Mrs. Ballard Coldwell, a daughter-in-law of William Michie Coldwell, kindly presented our Society with a copy of the speech. This pamphlet notes that the speech was delivered in 1901 but a check of the newspapers revealed this date to be incorrect. According to typographer Carl Hertzog, this pamphlet was printed from type not available before 1940, but he has a copy printed with type of an earlier period, dated December, 1901. This indicates that Judge Coldwell had the speech printed before the meeting in January, 1902, and explains why the reprint makes the error of "delivered in 1901" instead of 1902. The original pamphlet does not have the title "How Civilization Came to El Paso" but features "Law and Lawyers in the Sagebrush and Chaparral Days" which is a sub-title in the second edition.  
 Mrs. Coldwell also furnished some of the personal data used in this article, other information was taken from a MS. by Morgan Broadus, *Legal Traditions of El Paso*, which is now being printed by Texas Western College Press.
- James P. Hague was appointed the first district attorney for El Paso County by Governor E. J. Davis in 1871. He became district judge in 1876. See Lillian Hague Corcoran, "He Brought the Railroads to El Paso — The Story of Judge James P. Hague," *PASSWORD*, Vol. 1, No. 2 (May, 1956).
- The Church of St. Clements (Episcopal) in El Paso dates from October 9, 1870 when the first protestant services were held in the home of Judge Gaylord Clarke by the Reverend Joseph W. Tays. A few days later Tays rented two rooms in the Massie Building in the center of the block between Mesa Avenue and North Oregon Street and established St. Clements. See Gerald B. Brown, "Protestantism Comes to El Paso — St. Clements Episcopal Church," *PASSWORD*, Vol. 1, No. 4 (Nov., 1956).
- Federal cases from West Texas were tried in San Antonio until April 6, 1885 when the first case was tried in El Paso. The presiding district judge was E. B. Turner.

## THE ARMY MULE

by COLONEL H. CRAMPTON JONES

☞ Once upon a time there were no gasoline engines, nor motor trucks, nor jeeps. The old Army mule filled these needs. He is the symbol of the Old Army as it was before the machine age and two World Wars.

When I write this short article about the old Army mule I do so with some hesitation; I may not be able to do justice to him. I write with a feeling of humility for how can I express the sentiment and great love that we old soldiers had for him?

I chose the mounted service when I graduated from West Point in 1916. Like most Army boys I had an affection for animals such as dogs and horses. I chose the field artillery and was assigned to the 4th Field Artillery (Mountain) which was in Mexico with the Punitive Expedition on the chase after Pancho Villa.

We were stationed at Colonia Dublan, State of Chihuahua, about 125 miles south of the Border. I became a "shave tail" lieutenant with old "C" Battery. It was romantic enough to be assigned to troops in the field even though the chase after Villa had been halted but to be with a jackass battery was even more to be desired. Our main duties were connected with the caring for the animals; stables morning, noon, and night, with lots of the grooming. Much grooming keeps an animal in good condition. Of course we took marches and had target practice and we had time to build adobe houses like the Mexicans do.

Our soldiers were all big men. A mountain artillery man had to be tall in order to lift the heavy loads on to the tops of the mules. Four mules were required to carry the mountain gun which could be quickly disassembled and reassembled. The weapon was the Hotchkiss 2.95 inch howitzer, equivalent in weight of projectile to the old French 75 millimeter or "soixante quinze." The gun part was carried as a single load on a special frame on top of the *aparejo* or pack saddle; the cradle was carried on top of the second mule; the trail was on the third mule; and finally the two wheels and the axle were carried on the fourth mule. Ammunition was carried on additional mules, in boxes which were held on the sides of the *aparejo*. This *aparejo* was the standard pack saddle and it consisted of a large leather envelope that was stuffed with straw and which hung down on each side of the mule. It was held in place by a wide cinch and

strap under the belly of the mule. The combat train of pack mules which were led had more ammunition; the field train of pack mules which were herded behind a "bell mare" would carry the baggage and forage or feed for the animals.

I'll never forget the old soldiers of my first battery. They loved the mules as I did. I remember especially old Sergeant Devens who was packmaster in charge of the field train, and a crack pistol shot. He taught me to tie the "diamond hitch" which is the manner of using a long rope to lash on the loads on a pack mule. Maybe those old soldiers are still alive after these 37 years — but the mules have gone!

For two months I was placed in command of a wagon train of 48 mule drawn escort wagons. Each wagon was drawn by four mules. We hauled forage to the cavalry at El Valle which was three days march further south. Each wagon was loaded high with hay or oats and the mules pulled hard to get over Charcos Pass. For six weeks we never stopped marching during daylight and we would shoe the mules on the road. I had a fine old sergeant for a train master. Sergeant Toft, and an excellent young contract veterinarian named Doc Welch. His father had sold the mules to the government for the Philippine Insurrection. He would stay up all night with a sick mule and always get him on his feet. They loved the mules like all of us did.

My drivers were called "mule skimmers" and were a special type of man, not too soldierly but excellent for the job. On the seat beside each driver was a soldier of the 24th Infantry. These soldiers formed our armed guard and would guard us when we formed park at night. I was very proud of that first command and though I have served with all sorts of outfits in both World Wars, I have never experienced quite the thrill of that mile-long column of wagons following me along the dusty road. I would drop off from the head of the column and let the column pass, inspecting each mule, and then I would catch up to the head of the column when they took the hourly halt to rest. Thus I could see each mule twice.

When Captain Logan came back from the States to take back his wagon train, I went back to the old "C" Battery and my favorite mules. Before long we marched out of Mexico to El Paso and then World War I started. In my memory I can see the pack mules plodding along in deep sand at times and for a distance of as much as 35 miles a day, a long march. The soldiers would hold on to the mules' tails for help — and the mule was glad to help.

But this is intended to be just a short story of my feelings for the old mule and I must not become too carried away in my eulogy.

I suppose that one has to really live with mules to know them for they have personalities. If you like a mule he will sense it and he will like you and work his heart out for you. If you do not know mules or are afraid of them they will understand that and they will take advantage of you — they seem to take a secret delight in annoying you by biting and kicking.

A mule is a very sensible animal, more sensible than a horse. He will not exhaust himself with fretting. He will not try to do something that is impossible but he will do his utmost if kindly treated. There is a lot of philosophy in a statement that I heard an old artilleryman make: "If the mules are pulling together they cannot kick — and if they are kicking they are not pulling!"

The mule was the soul of the Old Army and we reverence him. He was the symbol of energy, endurance, and faithfulness. Transportation depended upon him to bring the "beans" to the hungry soldiers in the field. He brought the ammunition too and an army in the field in rough country could not progress far from the railroad without him. Alas, he is gone, replaced by the gasoline engine, which is more efficient but hard and lifeless, without sentiment.

I hope that when I am gone to rest I shall find plenty of "jugheads" whom I have known. We can talk about the old mules, the old soldiers, and the Old Army.

EDITOR'S NOTE: Col. Jones wrote this paper for the *Pointer View*, a 4-page weekly newspaper published at the United States Military Academy, West Point, New York. It appeared in Vol. 8, No. 16 (April 24, 1953). At the time Col. Jones was the Inspector General, U.S.M.A.

The editor believes that the article is of sufficient interest and importance to our Society's membership to warrant its re-publication.

## HISTORICAL NOTES

The El Chamizal question has risen from the grave, literally speaking, to become one of the "sorest spots in the history of U. S. and Mexico relations." Letters to the editors of the local newspapers have tended to show more passion and prejudice than common sense. President Kennedy has been alternately damned and praised. Yet there is a middle ground of temperance.

This middle ground was well explored in an article in *The Southwestern*, v. 2, No. 12 (June, 1963), published in Columbus, New Mexico, by Bill McGaw. Incidentally, if the reader is interested in the history of the Southwest, he will find *The Southwesterner* to his liking. It is a monthly publication and the subscription price is \$2.00 a year.

In the article mentioned above Mr. McGaw tells how it all began, as follows, on November 4, 1895:

"A man named Pedro Ignacio Garcia claimed the area known as El Chamizal came into his possession in 1866, upon the death of his grandfather, who had acquired it in 1827. Pedro claimed his land had been on the south of the Rio Grande until 1873, when the river, he said, took a jump south and left his small farm in El Paso.

"He asked the Mexican government to get his land back on his side of the river and that was the beginning of what is known as case No. 4 on the Chamizal, marking the first time U. S. possession of the property was ever questioned formally."

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As *PASSWORD* was going to press, Texas Western College issued a book, actually a pamphlet, entitled *The Chamizal Settlement: A View From El Paso*. It is Number 2 of Volume I of "Southwestern Studies" which are issued quarterly by the TWC press. The author of the Chamizal study is Dr. Gladys Gregory who recently retired as Professor of Government at Texas Western College.

The first number in the series was *The Municipality in Northern Mexico*, written by Leonard Cardenas, Jr., also of the Department of Government. The quarterlies sell for \$1 each. Both will be reviewed in the December issue of *PASSWORD*.

## BOOK REVIEWS

### NEGRO FRONTIERSMAN:

The Western Memoirs of Henry O. Flipper.

*Edited by Theodore D. Harris*

(El Paso: Texas Western Press, 1963. \$6.00, also in paperback at \$3.00.)

From 1878 until 1916 a certain Henry O. Flipper lived in the Southwestern part of the United States and in various parts of Mexico. A graduate of West Point, he served for a time as a Cavalry officer; later he worked as a surveyor and civil engineer, and also found time to become a fluent speaker of Spanish, something of an authority on Spanish and Mexican land law, and a specialist in legal translations. He also wrote a journal (a kind of extended letter, really) in which he recorded some of his activities, many of his observations, and not a few of his feelings.

These facts about Henry Flipper, while they command our respect for his energy and intellectual talents, do not especially reveal him as an extraordinary man; for undoubtedly the frontier Southwest was dotted with extraordinary men — men of energy, resourcefulness, and stamina. But they were white men. And Henry Flipper was a Negro. His account then, besides whatever intrinsic interest it possesses (and it possesses considerable) “represents the first extensive personal narrative by a Negro on the frontier to come to light.”

Donated to the Atlanta University Library by his surviving relatives, Mr. Flipper's journal lay collecting dust until it was discovered a few years ago by a Texas Western College history Instructor, Theodore D. Harris (at present on leave). Portions of the journal have previously appeared in various issues of *PASSWORD*, but this is its first appearance *in toto* and with an Introduction (as well as numerous explanatory footnotes) by its discoverer and editor.

The journal itself, like most pieces of personal narrative not intended for publication, is unremarkable from a literary standpoint. Its style is straightforward, unpretentious, and informal — very characteristic of the man who wrote it, no doubt. But as social history, the journal is very remarkable and worthy of our careful attention. In Mr. Harris' words, Henry Flipper's “descriptions of frontier conditions and his reactions to them are doubly enhanced for the modern reader because they were filtered through the mind of a gifted and sensitive Negro,” who “found at least a partial refuge from discrimination by remaining on the border frontier. . . .”

"Partial refuge" is an appropriate phrase, for this man who had been born to Alabama slaves and who, about a decade after the Civil War, was lucky enough to win an appointment to West Point (he was the first Negro graduate of the Military Academy) neither expected nor found complete acceptance. He yielded stoically to the social forces which influenced his discharge from the army ("on a bare technicality") and proceeded courageously to pursue an intellectual career in civilian life. Astonishingly, though not without difficulty, he achieved considerable success — becoming ultimately Assistant to the Secretary of Interior (A. B. Fall), which, as Mr. Harris points out "was an unusually high Federal appointment for a Negro in those days. . . ."

That he found only "a partial refuge from discrimination" in the frontier Southwest is tacitly clear in such comments as these: "Mrs. Lt. Maney of the 23rd Infantry, white, gave a birthday party at her quarters and sent me an invitation"; "Col. Greene came with the first party of millionaires from New York and Boston. At the first meal he ordered me to sit at the head of the table"; "all over Mexico I have been invited to dinners, balls, entertainments of all kinds. . . ." Such remarks serve as poignant testimony to the numerous doors that must have been closed to Mr. Flipper.

*The Western Memoirs of Henry O. Flipper* serves at least two significant purposes: it offers a tender revelation of one human being's serenity, ingenuity, and patient pursuit of vocation; and it provides an unusual view of an era and a place. Mr. Harris is to be commended for realizing the value of his discovery, and the Texas Western Press is to be complimented for its handsome presentation of Henry Flipper's personal journal.

*Texas Western College*

— LILLIAN COLLINGWOOD

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OLD TOWN ALBUQUERQUE *by Peter Hertzog.*

LA FONDA: The Inn of Santa Fé *by Peter Hertzog.*

LITTLE KNOWN FACTS ABOUT BILLY, THE KID

*by Peter Hertzog.*

(Santa Fé: The Press of the Territorian. Paper, \$1.00 each.)

The Press of the Territorian, Mr. Phil Cooke, Editor, is attempting to tell the story of New Mexico in capsule form. Each of the three books reviewed here — actually pamphlets as they average 30 pages — tells of one small but important and interesting aspect of the state's history. Other pamphlets to follow will complete the story.

In *Old Town Albuquerque* the author traces the history of that community from its first settler, Don Luis Carbajal who was forced to flee from his home in 1680 because of the Pueblo Revolt. The official records of the town begin with 1706 when Don Francisco Fernandez Cuervo y Valdez, the governor of the Province of Nuevo Mexico, resettled the area and named his settlement in honor of his superior, the Viceroy of New Spain, El Duque de Alburquerque. The duke in turn wished to honor his king and thus officially named the embryo town La Villa de San Filipe de Neri de Albuquerque.

From its very beginning Albuquerque served as a military outpost and it continued to serve as such after the American occupation and annexation. Lieutenant Phil Sheridan served there and married an Albuquerque girl. Lieutenant Joseph E. Johnson, later one of Lee's great generals, also served there as did Major Henry L. Sibley.

The book includes a list of sixty-three places of historical importance in the city and the names of several shops where today's tourists may find anything they wish.

In *La Fonda: The Inn of Santa Fé* the author notes that "The corner of San Francisco and Shelby Streets in Santa Fé is the oldest hotel corner in these United States." Old Spanish documents show that a *fonda* or inn has stood on that corner for hundreds of years although it was not until 1822, when the Santa Fé Trail was opened, that specific references to the hotel were made in the journals of the visiting Anglos.

Much of the history of the hotel is told in the form of Newspaper clippings. For instance, when Mrs. S. B. Davis acquired ownership of the hotel upon the death of John Martin in 1877, she advertised as follows:

"This most popular resort for travelers in the Southwest has, under the supervision of Mrs. Davis, been rejuvenated and improved. All the features that have so signally contributed to its extensive reputation will be maintained and everything done to add to the comfort of guests.

"The Hotel Table will be under the control of Cooks of the Highest Grade, and meals will be served in the best style."

There is one valid criticism — the author should have given the dates of the clippings.

The third book, to quote the author, is an attempt "to add facts" to the story "of the most biographed individual of the American Southwest," "the man-boy who called himself William Antrim, or William H. Bonney" — Billy the Kid. Again the author makes use of undated newspaper clippings.

The author notes that contrary to general belief there were never any wanted posters "put out for The Kid." There was only the newspaper "advertisement" that Governor Lew Wallace would pay \$500 Reward to

anyone who would capture and deliver to any sheriff of New Mexico "William Bonney alias The Kid."

The books are interestingly written and attractively illustrated with numerous photographs and drawings which add greatly to their value.

*Texas Western College*

— EUGENE O. PORTER

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## JESS SWEETEN, TEXAS LAWMAN

by *Allan Sigvard Lindquist.*

(San Antonio, Texas: The Naylor Company, 1961. \$4.95.)

Many who read this review will remember Jess Sweeten. He was the youngest sheriff Texas ever had and held office in Athens, Henderson County, from 1929 to 1954.

Jess Sweeten was born in Enterprise, the heart of the Indian Territory, in 1905. He was the great-grandson of the legendary Jesse Sweeten and the grandson of deputy marshal Marion Sweeten. The love of honor and justice was, therefore, born in his blood and bred in his bones.

By a quirk of fate that placed him in the right place at the right time, Jess was appointed constable at Trinidad in 1929. He did his job well and in 1932 ran for sheriff. "Like a crusader," he rode into the sheriff's office in rough and rugged Henderson County at the peak of an era unparalleled in lawlessness and murder: he came to restore law and order where lawlessness ran rampant.

In a period covering slightly more than two decades, Sheriff Sweeten solved 22 murder mystery cases; all of the cases involving highjacking by firearms, every rape case and 75 per cent of all the burglaries. His record stands as one of the highest and most superb achievements in the annals of law enforcement.

The author, like his subject, possesses an enviable record. Allan Sigvard Lindquist, born in Stockholm, Sweden, was graduated in journalism from Southern Methodist University. He served with the Air Force during World War II and won five battle stars and a Presidential Citation. His book shows rare literary style and the verbal portrait of Jess Sweeten is done with such convincing realism that the reader imagines himself a part of the era and legend of the Texas Lawman.

*El Paso, Texas*

— MARY ELLEN PORTER

## CONTRIBUTORS to this ISSUE

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ROBERT N. MULLIN was born in Lincoln, Nebraska in 1893. His family moved to Las Vegas, New Mexico, and then, in 1901, to El Paso where, in 1912, Robert was graduated from high school. He left El Paso in 1927 as an executive with a major oil company. He retired in 1961 and now lives on Three Arch Bay near South Laguna, California. Before leaving El Paso, however, he served as an alderman in the administration of Mayor R. E. Thomason.

Incidentally, his brother, F. Joseph, is president of Shimer College, Mount Carroll, Illinois. Mr. Mullin is a charter member of our Society.

COLONEL H. CRAMPTON JONES, U.S.A. (Ret.), is an army brat, having been born at Vancouver Barracks, across the Columbia River near Portland, Oregon. His father was a classmate of General Pershing and also of General Robert Lee Howze, the father of Mrs. Jones. Colonel Jones was graduated from West Point in 1916. He retired in 1953 and lives with his wife Harriot at 3000 Gold Street, El Paso.

LILLIAN COLLINGWOOD is Assistant Professor of English at Texas Western College. She is a native El Pasoan and a graduate of TWC. She received her Master's from the University of Michigan. Mrs. Collingwood is a frequent book reviewer in both *PASSWORD* and also for the Book Shelf of the *El Paso Herald-Post*.

MARY ELLEN PORTER, the wife of Dr. Eugene O. Porter, is a frequent contributor of book reviews to *PASSWORD* and to the Book Shelf in the *Herald-Post*. She is a graduate of Ohio State University where she was a member of Chi Omega.

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*To promote and engage in research into the History, Archeology, and Natural History of West Texas, Southern New Mexico, Eastern Arizona, and Northern Mexico; to publish the important findings; and to preserve the valuable relics and monuments.*

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