

Texas State University-San Marcos and The San Jacinto Conservancy
Symposium on the History of Texas

**Drawing the Borderline between Texas and Mexico:
From the Velasco Treaty to the Treaty of Guadalupe Hidalgo
or
From Fear to Despair of Mexico through the inevitable loss of Texas**



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For US-Americans, the Ohio River was the natural border from the Thirteen provinces originally located along the Atlantic Ocean Coast. From the late eighteenth century, actually since 1783, whether for the extension of the Northern Territories or the acquisition of Louisiana, Rufus Putnam had been asking the Congress for permission that veterans of the American Independence War be able to settle in the west of Ohio in order to build an American Empire on a non-negligible territorial extent of eighteen million acres west of that river.¹ The treatment of foreign territories outside the borders of the U.S. as a *res nullius* hint rooted deep in the American mentality and idiosyncrasy ever since.²

¹ Andro Linklater, *Measuring America*, Walker & Co., New York, 2002, pp 62, 63 and 209. It is established that even before the United States was born as an independent country, many natives believed in the continental greatness of the future America, among them Benjamin Franklin who mentined the desire that the United States will surpass her mother country or the Almanac published by Nathaniel Ames that predicted that the United States will thrive with Great Britain. John Murrin. "A roof without walls: The dilemma of American National Identity". Richard Beemen, Stephen Butem & Edward C. Carter II editors. *Beyond Confederation: Origins of the Constitution & American Identity*. Chapel Hill. 1987. <http://academic.brooklin.cuny.edu/history/burrows/AmRev/Documents/Murrin.htm>

² The aforementioned is confirmed by the statements of Thomas Hart Benton, Senator of Missouri, in the 1820s on the expansion of the United States of America and by the dramatic action of John Louis O'Sullivan in Manifest Destiny of 1845. Obviously, the primarily affected persons of this greed for territory were indigenous communities such as the Iroquois who signed the Fort Stanwix which took their lands in the West of Ohio away.

The greed for land began at the end of the American Independence War since land was the only appreciated good for payment of the huge debt estimated 40 million dollars so that after 1784 the Continental Congress had no choice but the sell the estate located in the west of the Ohio River. Accurately, in Mexico property as well as a border defined for its accurately measured, mapped and precisely recorded is known during the War of Texas Independence in the 1830s. Since the "colonization" of Stephen Austin measures were to be interpreted. The league was the measure used in Mexico in the early nineteenth century for land areas. Each league was 25.000 square yards and these in turn were 33 ⅓ inches each. In 1870 with the restoration of the Republic the metric system was officially adopted, so that by the time of the Treaty of Guadalupe Hidalgo of 1848, measurements had to be made with the imprecise Mexican and Anglo-Saxon measurement systems.³

The border between Mexico and Texas: from fear to despair

Since 1823 Mexican governments had granted land to Americans and citizens with full rights of citizenship, despite being foreigners,⁴ and by 1824 the Government of Coahuila and Texas multiplied the concessions without taking any precautions, despite being aware that many American "entrepreneurs" saw Texas as the land of plenty cotton plantation (by slave labor), as thousands of Americans were unable to afford the fees charged for land by their government, whereby finding a great opportunity to obtain land and extraordinarily advantageous concessions (such as tax exemption, cotton export to England via the United

³ Long before the Independence of Mexico, this greed for land and expansion had been reported in the colonial press of New Spain: On April 1st. 1813, news from San Antonio de Bejar were known in Mexico City, reporting the illegal entry of 450 "anglo-americans" taking over artillery and ammunitions from Spanish authorities. José López Cancelada. *Suplemento al Telégrafo Mexicano*. Número 7. Imprenta Patriótica. 1813. Cádiz. p. 455-456

⁴ Though the fact is known it should be pointed out that since Moses Austin demanded in 1821 as former subject of Spain a permit to settle 300 north-American families; 640 acres (or 1 square mile) were given charge free per Head of household, 320 per wife, 100 per son and 80 per slave additionally to import tax exemption for seven years; some conditions were imposed in return: they should confess the Catholic religion, keep good morals and swear loyalty to the King and the Spanish Empire. Later, his son Stephan Austin took advantage of the concession that now gave the Mexican Government: Josefina Zoraida Vázquez Vera, *La guerra de Texas*, Vol. 11, p. 1765-1776, in: *Historia de México*, general coordination of Miguel León-Portilla, 16 volumes, México, Salvat, 1986, p. 1767-1768.

States and slave labor import for new plantations); together with these men seeking bettering opportunities there came along adventurers and outlaws⁵ who later would create an environment of corruption and plunder against the Mexican population.⁶ The inability of the Mexican government to settle their nationals on that territory⁷ and furnishing a patrol⁸ to impede smuggling, illegal immigration and the introduction of more slaves, made national presence fade in the Texas with increasing population of American citizens.

If this was not enough to alarm the Mexican government, the enactment of the *Law of April 6, 1830*, which made colonization issues depend on the Federation-and no longer on Texas, and also banned the immigration of new American settlers to Texas, unleashed the fury of Stephen Austin and the American colonists. The final thrust came from the law provision of April 22, 1832, authorizing the expulsion of illegal foreign settlers in the country. This is how the rebel movement in Texas starts which as allegedly caused by the threat that settlers lose their property and slaves, and the setting of a border patrol (which did affect cotton farmers, who sent their produce avoiding United States Customs and Mexican taxation despite the already since 1828 expired import and export

⁵ *Idem*, p 20. The avoidance of the rule of law by Austin and the Texan settlers was not only related to slavery but also as to many of their protected ones were debtors avoiding paying back their debts to their American in the southern states of the United States of America and wealthy people in Mexico hid behind their recently acquired Mexican citizenship. In order to favor them, Austin promoted the Decree Nr. 70, on January 13, 1829, which “prohibited any confiscation or mortgage of their lands, utensils, animals and other goods they would own in Texas based on the respectable Spanish instituted mean of immunity to embargo of ‘homestead’ dating back to the era of catholic Kings”.

⁶ Interestingly, since the early times of 1826 some neighbors of San Agustín de la Ysleta, Texas, already complained that some individuals had sold lands of the community, lands “given by God and the King”, AGN, Government Institutions: modern and contemporary era. Federal Public Administration s. XIX. XIX Century Government. Government (127-128). Print circular of the Ministry of the Exterior, Government and Police. Volume 81, File 9, pages 98-100 (1826). Eight years later, another severe case of land concessions to Green DeWitt was filed. It was the case of Martín de León’s ranch located between the villages Victoria and Goliat adding to this the fact that all Texan settlers started to involve in smuggling and cattle theft from Mexican ranches. González Oropeza, *op. cit.*, p 21.

⁷ Manuel Mier y Terán and Lucas Alamán during the government term of Vicente Guerrero (1829-1830) made uncountable efforts that state governors send poor families to settle in Texas supported by the federal Government. Only Zacatecas reacted positively on the call. Vázquez Vera, *op. cit.*, p. 1770-1771.

⁸ *Idem*. In order to keep control of the region and the border of Texas with the United States, Mier y Terán tried to strengthen the authority of the Government by adding three thousand men from neighboring State militia of Texas; as expectable, the States denied to collaborate on the pretext that its guards only could operate within their territory or were lacking of financial resources for their support.

exemption). Once established a brief frame of reference of the facts on the relation of Mexico-Texas-United States in the first half of the nineteenth century, we will focus in the following on a very particular issue: the establishment of borders between Mexico and its neighbors, U.S. in first place, and later on, Texas.

All began in the Louisiana Purchase of 1803, a sale quite extraordinary and imprecise in regard to the boundaries of the Louisiana territory. This central part of the future United States territory, was never fixed in treaties and therefore Thomas Jefferson assumed that Louisiana reached all the way to the Rio Bravo o Grande to the west of the Mississippi, including Texas,⁹ which of course was out of the reach of the San Ildefonso Treaty or the negotiations between Spain and France. This desire sustained by Jefferson implied an eagerness to gain territory at whatever cost, not only to (New) Spain but also to Great Britain, therefore as soon as the Louisiana Purchase was made, Jefferson began to look and explore the Missouri River in order to reach Oregon and from that connect the Pacific Ocean with the Gulf of Mexico and the Atlantic Ocean.¹⁰

The basis for the french domain in Texas is the La Salle's expedition in the XVII century.¹¹ It was an American historian, Francis Parker, that in 1897 asserted that La Salle had claimed not only the Mississippi river¹² but also the plains of Texas. Henri Joutel, La Salle's secretary, only reported that some men of the

⁹ Octavio Herrera. *El lindero que definió a la Nación*. Secretaría de Relaciones Exteriores. México. p. 43

¹⁰ The Lewis & Clark Expedition not only had the scientific purpose but also a political motive of preparing the occupation of the United States of the Oregon Country. After many negotiations and not violent occupations like it happened in Mexico, the Oregon Treaty was signed in 1846 with Great Britain.

¹¹ La Salle sailed from France on July 1684 to found a colony in the mouth of the Mississippi river. His expedition encountered several problems like deficiency in the measurement devices, which produced mistakes in the location of his journey. James E. Buseth & Tonis Turner. *From a Watery Grave. The discovery and excavation of La Salle's Shipwreck, La Belle*. Texas A & M University Press. College Station. 2005. p. 22

¹² La Salle did not recognized this name for the famous river, but he name it "Colbert" river. This is a second problem in his expedition because he did not have precise knowledge where he was, due to the lack of instruments, but also he named with French names that are not corresponding to the Spanish and American names. For instance, there are serious doubts whether he docked in Aransas Pass or Pass Cavallo and whether he established Fort Saint Louis in Aransas Bay or in Matagorda Bay. Finally, his men assassinated this explorer and he had recognized the location as Canoe River, but today we do not know whether it was actually near the Brazos river or Trinity river. William A. Foster editor. *The La Salle Expedition to Texas. The Journal of Henry Joutel 1684-1687*. 1998. p. 22-36

expedition, unknown even to Joutel himself, had conducted a reconnaissance near the Rio Bravo or Grande, in the Spring 1686, event that could not be considered as an act of dominion, on the contrary, there are reports from the governor Marqués de Aguayo that some French men had been arrested for been illegally in the proximities of the town of Cerralvo, currently in the State of Nuevo León, Mexico.¹³

In any case, the presence and acts of dominion, like creation of missions, forts, fighting the Indians and so forth, from Spain starting from Alonso Álvarez de Pineda in 1519, who produced the first map of Texas coastline, and the colonization produced since 1690 by the colonial government of New Spain, Mexico, are indisputable.¹⁴

Fear

The Adams-Onís Treaty, signed by John Quincy Adams and Luis de Onís on February 22, 1819, established the boundary between the United States and the Spanish possessions in America, in this case, New Spain;¹⁵ and after achieving

¹³ Marquis of Aguayo had conducted a personal effort to fight the invasión of French adventurers in Texas. “Aguayo, Marqués de San Miguel de”. *Tejados Unidos*. http://webcache.googleusercontent.com/search?client=gsb-win8rlz=R3GFRE_esMX324Mx324&hl Foster. *Op. cit.* p. 38

¹⁴ Since 1689 the governor of the Province of Coahuila, Alonso de León, persecuted French people illegally established near the would-be Medina River, named after Pedro Medina who had mapped all this region with an astrolabe.

¹⁵ Raúl Andrade Osorio, “El Tratado Adam-Onís y la Constitución de Cádiz”, p. 9-22, in: *Revista de Investigaciones Jurídicas*, 1936, No. 36, México, Libre de Escuela Libre de Derecho, 2012. Andrade writes about how venturesome that treaty turned out to be since the political situation of the Peninsula was very difficult in those days (first, the Courts of Cádiz ran negotiations that later were dismissed by Ferdinand VII after his return to power), and the interests of the United States for the acquired land possessions were advantageous and they did not want to concede any space. “The United States of America in real possession of all the territory conceded since 1810 saw itself obliged to return the province of Tejas, noticed a certain opposition of the States to the ratification of the Treaty, in attention to the fact that it was not ratified by Spain within deadline so that they denied to accept the decreed by the Courts”. pp. 18-19. On the other hand Eber Betanzos says that since the signing of that Treaty “the Spanish authorities already” warned from external risks of territory loss as to facing growing expansion efforts by the neighbor in the North: the United States of America who would not hesitate in expressing its greed for more territory, especially for the ones located along the southern boundaries against New Spain”, Betanzos, “En el vilo de la insurgencia mexicana: de la invasión francesa a España (1808) al movimiento juntista y el constituyente gaditano (1810-1814), p. 23-45, in: *Revista de Investigaciones Jurídicas*, México, Libre de Derecho Law School, 1936, Nr. 36, 2012.

national independence.¹⁶ Under this Treaty, Spain traded Florida in recognition of the Sabine river as the northeastern boundary of New Spain, eliminating in consequence the Jefferson's ungrounded doubts about the Louisiana border.¹⁷ Mexico, under the government of Agustín de Iturbide (converted into emperor) sought the ratification of this treaty, and made just a clarification¹⁸

However, this second ratification had to "declare and confirm the validity of said Treaty considering it being in force and binding between the United States of Mexico and the United States of America" by 1828 again,¹⁹ now signed by the Plenipotentiary Secretaries of the two countries: Sebastian Camacho and José Ignacio Esteva on behalf of Mexico, and Joel Roberts Poinsett on behalf of the American population.²⁰

In 1831 an article was added to this treaty as the deadline for the ratification of the treaty of 1828 was overdue, and the clarification consisted in the assignment of the city of Washington as the ratification venue in not more than one

¹⁶ This Treaty was ratified in the beginning of 1821 and approved by the Spanish Courts. Mexico, Ministry of the Exterior, Diplomatic Archive of the Ministry of the Exterior. United States of Mexico. Law Decrees 1821-1822. *Tratado de Amistad, arreglo de diferencias y límites entre S.M. Católica y los Estados Unidos de América*. pp 25-28 (front and back). p 25.

¹⁷ France relinquished Louisiana in the Treaty of Fontainebleau (1762) and later Spain reversed the cession through the Treaty of San Ildefonso (1800).

¹⁸ "Second note. A straight line should be drawn from 42° latitude north towards the South Sea and connect between Cape Orford and Port San Jorge staying so all territories River San Francisco waters in North California inside the limits of the Mexican Empire and all entering rivers. By order of the Interim Government regency of the Empire the former Treaty was to reissue. México, February 12, 1822. Second of Independence of the Empire. Herrera." *Idem.*, p 28. Original graph of the document used.

¹⁹ *Treaty on the border between Mexico and the United States of America*. Mexico, January 12, 1828. In: Benito Juárez. *Documents, Speeches and Correspondence*. Selection and notes by Jorge L. Tamayo. Digital edition was coordinated by Héctor Cuauhtémoc Hernández Silva. Look up electronic version: Aurelio López López. CD edited by the Autonomous Metropolitan University of Azcapotzalco. First electronic edition. Mexico, 2006.

²⁰ *Tratado de límites entre los Estados Unidos de México y los Estados Unidos de América*. México, 1828. Benito Juárez. En: *Documentos, Discursos y Correspondence*, selection and notes by Jorge L. Tamayo. The digital edition was coordinated by Héctor Cuauhtémoc Hernández Silva. Look up electronic version: Aurelio López López. CD edited by the Autonomous Metropolitan University of Azcapotzalco. First electronic edition. Mexico, 2006. Source:

http://www.biblioteca.tv/artman2/publish/1828_117/Tratado_de_limites_entre_los_Estados_Unidos_de_Mexico_y_los_Estados_Unidos_de_America_printer.shtml.

Special attention should be paid to the second line of the first paragraph and the last line of the first paragraph since the existing map gives reference on the border setting which was not cited in the first Treaty of 1819. Find the map of 1818 by John Melish included at the end.

year ahead, which in that occasion signed Lucas Alamán and Rafael Mangino on behalf of Mexico, and by Antonio Butler for the United States.²¹ Article 3 of the original Treaty of 1828 on the presence of a frontier setting commissioner between the two countries made the chief official of the Foreign Ministry of Mexico, Manuel E. Gorostiza distrustful.²² The inexorable penetration of American settlers in Texas was not overseen by the Mexican Government, why it should have issued some laws restricting settlement, as the laws of July 15 and August 22, 1826, on the ban of settlers of neighboring nations,²³ the one of June 2, 1827, which did not allow "in the new territories the settlement of families other than the ones under contract", or the law of April 23, 1828, reiterating "that in land areas near the borderline between Mexico and United States should be compound of families of natives of the United" who all are unlawful.

Colonization in northeastern Mexico has been advanced since 1812 before the Courts of Cadiz by Miguel Ramos Arizpe²⁴ and as soon as the Independence

²¹ A second Article was added on April 3, 1835, signed again by Antony Butler, U.S. Commerce Attaché, and José Ma. Gutiérrez de Estrada and José Mariano Blasco on behalf of Mexico. Even a year later a clarifying protocol should have been elaborated on April 20, 1836, as the wording of the second Article is not clearly understandable enough, though its intention not to doubt it should avoid every possible of misinterpretation on its implementation whenever to take place on both behalves so that it was believed convenient that the cited Extraordinary Envoy and Plenipotentiary Minister, as well as, the cited Secretary of State should declare as do hereby in the name of the respective Governments that the stipulated in the second additional Article as to the assignment for Commissioner and Surveyor for the task to designate and mark out the borderline between the two countries is expressly understandable and should show and be understood that it imposed the responsibility to these Commissioners and Surveyors to meet under prescribed terms of Article 3 of the Treaty on Boundaries at the prescribed place, i.e. in Natchitoches, within a year from this date on, and to proceed in complying with all the stipulated of the implied Article 3". Signed by Manuel E. de Gorostiza and John Forsyth. *Derecho internacional mexicano. Tratados y convenios concluidos y ratificados por la República Mexicana, desde su independencia hasta el año actual, acompañado de varios documentos que le son referentes*. Official edition. México, Print of Gonzalo A. Esteva, 1878. First part, pp. 115-117, 119-121. Lookup: <http://www.memoriapoliticademexico.org/Textos/2ImpDictadura/1828TLEU.html>

²² National Library, Mexico, Fondo Lafragua, 107 LAF. microfilm document Nr. 8: Mexico. Legation in the U.S. and U.S. State Department. *Correspondencia que ha mediado entre la Legación Extraordinaria de México y el Departamento de Estado de los Estados Unidos sobre el paso del Sabina por las tropas que mandaba el General Gaines*. Philadelphia, S.p.i., 1836, XXI- p 59, a map. Gorostiza says "If it depended on me I would not consent at all that General Gaines occupy one span of territory before getting instructions of V.S. of what is now Mexico, and when it comes to this case I would protest personally and would retire willingly leaving there the common legation until the Government decides on what the legation should do. I might be wrong on that but I think if we let the American troops enter our territory as neutrals we would lose Tejas sooner or later, and without even saving the honor, and if we do not allow it we could possibly keep Tejas and save the reputation of our homeland anyway".

²³ After Independence México issued the *Decree of August 18, 1824* on colonization

²⁴ Herrera. *Op. Cit.* p. 72

of our country was proclaimed we enacted federal and states laws regarding this issue. Colonization and immigration helped even to advocate freedom of religion in Mexico as early as 1831.²⁵

However, the behavior of American immigrants favored restrictive measures by Mexico and the fear of loss of Texas. Speculation of abuse by “empresarios” like Haden Edwards evicting Mexican residents and forcing the control of land, discovered the real intentions of many immigrants since the beginning.²⁶

All this is described in the magazine *Voz de la Patria* of February 8, 1830,²⁷ stating conclusively that "The Texas Department is already in contact with the most hungry and greedy nation for land. North Americans have without the others' consent taken on as much as reachable. In less than half a century they had made themselves owners of large colonies formerly under Spanish and French rule, and even more distant regions possessing numerous Indian tribes extinct from the earth". This writing shows clear opposition to the selling of the Texas Department of Information (already without Coahuila), noting that "The sale of this Department reduces the territory surface and the value of the lands remaining in Mexico to the half" adding "That the one who agrees and does not oppose to the loss of Texas, is an execrable traitor who should be punished with all kind of death possible". It is continued categorically, "If Mexico does not seek more than a military occupation of Texas, the nation will be ruined, and eventually, will lose the country that it is impossible to concede, as is Oaxaca or Guanajuato".²⁸

²⁵ Freedom of religion was not recognized until the Reformation Laws in 1873, but Vicente Rocafuerte wrote about this freedom in regard to the imperative colonization of Mexico. Vicente Rocafuerte. *Ensayo sobre la tolerancia religiosa*. Imprenta Martin Rivera. México 1831. p. 105

²⁶ Edwards at the end created a “Fredonia Republic” in 1826 as an ambryo of the detachment of Texas from Mexican territory. Herrera. *Op. Cit.* p. 76

²⁷ *La voz de la Patria, op. cit.* The original graph of the document was taken.

²⁸ “...Americans work nowadays without veiling on drafting partial irruptions of detachment to protect its Government supporting the invasion by sending out terrestrial and marine military forces (according to latest news). *Poinsett*, principal agent of this infamous maneuver is abusing of our cordial hospitality, he had our assistance when he was living in Mexico, the fatal network we are detached of in the present. *Poinsett*, in his letter of recommendation or of his friends to the principles of *Saltillo*, referred to the points of Tejas: but what point, oh Lord, are precisely the most important ones, the ones affirming such network around our no

A similar information is given by Lucas Alamán (apparently on the same date of 1830), outlining that "If we now examine the current situation in Texas due to the policy I have framed extensively, we will come to the conclusion that the majority of the population, -and this now by nature of North America-, occupy the coastal border points and the river estuaries, that the amount of Mexicans who inhabit that country is insignificant compared to Americans coming from everywhere to dwell on the fertile land areas whereby it should be mentioned that most of them do so without complying with previous legal application procedures, or even by violating contracts prior concluded".²⁹ And later he adds, "As mentioned above, part of their strategies to become owners of the aspired land, the way to get introduced little by little on the pretext of commercial negotiations in order to establish colonies by concession or without it, the respective government..., Texas has been occupied successively by North Americans settling down as colonists and others who have passed the borderline without any legal authorization".³⁰ Hence, it is not reasonless that in 1830 the Mexican Government would present a bill proposing "measures to be take[n] for the security of the State of Texas and to maintain the integrity of the Mexican territory"³¹ where Alamán explains the reasons for this situation, stating that "Providence prohibiting the admission of settlers from neighboring nations had in mind to conserve the integrity of the territory of the Republic by providing for territorial integrity of the Republic and that the admission of settlers of such nations would form establishments to depended on them, rather than on the Republic itself, and that territorial integrity rather would

precaution...There is no span left all over the Coast: from the embouchure of Sabina to Espíritu Santo Bay it is filled with North Americans, (that is to say, 150 leagues) the river fords are not taken. Along the border there are 80 miserable Mexicans by 100 families of them who are distinguished only due to their shocking misery..." *Idem*.

²⁹ Lucas Alamán, *Bill*, pp. 635-645, in: Lorenzo de Zavala, *Obras. Viaje a los Estados Unidos del Norte de América. Noticias sobre la Vida y Escritos de Zavala (by Justo Sierra O'Reilly). La Cuestión de Texas. Memorias*, preface, sorting and notes by Manuel González Ramírez, Mexico, Porrúa, 1976, XXXII-973 p. (Porrúa Press, 64), p 637. Its mentionable that Alamán not only warns of this dangerous situation of American settlers in Texas outnumbering nationals but also that they are "so independent" that even already "decreed the abolition of slavery on previous September 15 in exercise of the extraordinary faculties the commander of the border patrol of that State stated he would not expect anyone to obey this Decree at all, except for a higher force he lacks of which would force them...", p. 638.

³⁰ *Idem*.

³¹ *Idem*, p. 635. This initiative is presented by Lucas Alamán as the Law of April 6, 1830.

be maintained by surrendering the key to those who someday might be interested to invade it".³² So, it should be proposed "that the department of Texas be colonized with individuals from other nations as one of the means indicated by the Government", i.e. Europeans, in addition to stop smuggling Americans to Texas, and that "with this measure taken, the progress of evil is avoided".³³

Alamán continues: These bills are intended to make this population understand that "Mexico wants to maintain its territory undivided and that it is determined not to suffer from disintegration... Unfortunately, we find ourselves being in this situation, and if this is not regarded with interest and without handing it away, it is worth repeating that Texas will cease to belong to the United States of Mexico."³⁴

Being a concurrent legislative power, a couple of years later , the State of Coahuila and Texas issued Decree 190 on colonization³⁵ reiterating the validity of the law of April 6, 1830, where the settlement by American families was prohibited in border and coastal areas, and in addition to specify in its Article 26 that "in the distribution of land Mexicans by birth be preferred to foreigners",³⁶ and in Article 35 that "newcomers as to the introduction of slaves must obey the established laws and in the future there would be laws established on the subject".³⁷ Mexican officials' fear of losing Texas vanishes gradually since they are giving in inexorably

³² *Idem*, p. 639. Alamán mentions some of the frontier establishments by Americans in Texas, such as Aices (near Nocogdoches), Atoyaque and Sabinas with almost two thousand persons but without any Mexicans. Also he mentions that in October of the same year two new ships arrived of New York arrived to Port Matagorda with "twenty seven families, thirteen passengers with intention of colonization", and they are believed to be Irish (Catholic).

³³ *Idem*, p. 643. Original italics of the document.

³⁴ *Idem*, p. 645.

³⁵ *Idem*, p. 645-651. State of Coahuila and Texas, *Decree Nr. 190 of the honorable legislature on colonization*, printed and published in Leona Vicario (Saltillo) of May 2, 1832.

³⁶ *Idem*, p. 649.

³⁷ *Idem*, p. 651. The following article lines out that servants and day laborers who would introduce later foreign settlers could not be longer in service than 10 years, maybe this should reiterate the abolition of slavery and the laws issued by the Government facing the exceptional case of North American settlers in Texas between 1821 and 1828. Lorenzo de Zavala had taken advantage of these concessions of the Mexican Government for years on merits of his services rendered to the homeland and his position as Governor of Mexico State, to solicit lands in Texas to settle down there many families between 1828 and 1831 when the first families of *empresario* Zavala (this is how Juan Suárez y Navarro calls him in his essay *Extracto del expediente sobre la colonización de los terrenos de Texas concedidos a Don Lorenzo Zavala*, pp 653-665).

to that happening as an inevitable fact, so that despair seizes all of them, and laws, decrees, diplomatic notes or claims on behalf of Mexico were not enough to stop Texas from getting lost, insofar as Mexico for its lack of attending the problem of colonization but allowing it in turn without limits, especially to greedy land speculators and slaveholders, is weakening the territory instead of strengthening it, and when it came to straighten out the path, it was already too late.³⁸ How different from the roughness of today's immigration laws of the United States!

The concern of Mexican authorities was notorious, but in turn they were unable to stop the threat, either by lack of military, economic or even human means, because no state wanted to send settlers, except Zacatecas, in spite of the facilities provided, and largely due to the lack of expertise of the officials responsible for setting the boundaries between both nations. But not only Mexicans note this concern, but also some influential American, aforementioned William E. Channing, acknowledges that the U.S. intervention to help Texans in the conflict with Mexico, carries a danger not only to the country offering shelter to the settlers, but also to the United States because Texas favors slaveholders and land speculators, and also, their incorporation into the Union would alter the Constitution

³⁸ An example for it is found in the persona of Lorenzo de Zavala himself, a Yucatecan who became Governor of Mexico State and used the concessions of the Mexican Government to take on ownership over vast lands for colonization in Texas so that he would be elected for the District of Harrisburg as Representative and later assigned its first Vice-president in March 1836 after his rupture with Santa Anna and the centralist regime and having found refuge in Texas. Apparently, Zavala did not seek the Independence of Texas, only its separation during the time of the centralist regime in Mexico because he thought that after a time his he could continue promoting the integration of Texan territory into the Federation by virtue of his office. Unfortunately, he realized very soon after that the Independence of Texas was irreversible, also its incorporation to the United States of America in the near future. Nevertheless, the idea of Zavala's treason on the country, his acquired Texan citizenship and pro slavery mentality still prevails in the mind of the people when it is not true. After Zavala had figured out this situation he quit Vice-Presidency and sought refuge within the few Mexican settlers in Texas until his dead in November of 1836. In some of the historical notes to complete the biography by Lorenzo de Zavala it is said "Zavala did not back under the circumstances when he faced severe dangers threatening the country, and when he saw himself obliged to accept Vice-Presidency of the Republic overall, without losing hope as expressed to his son some days after of a pass of time of having tried to reach any settlement with the Mexican Government... Distressed by his frustrated hopes and after coming to the conclusion that the evil was remediless, Zavala was extremely affected. Lamenting bitterly his situation of being deprived of the opportunity to render new service to the homeland which would completely vindicate and free him from any charges his political enemies would not stop to impute him for the part he fortunately took in the Independence of Texas, in force of the critical circumstances surrounding him and the circumstances which were ignored completely by his compatriots. All these considerations motivated him, after all, to consider the office as Vice-President of the new Republic..." *Idem*, pp 840, 845.

and the development of the country.³⁹ Channing recognizes that the settlers in Texas committed "high treason" against the Mexican Government, as they in spite of having sworn loyalty and respect for the laws and customs of the country that welcomed them, did not do, instead, used vain pretexts to get the separation, first splitting Texas-Coahuila, a state that was born as a single territory, in order to consequently achieve independence from Mexico.⁴⁰

Despair

The arrogance of the Texan community due to their successful separation from Mexico not only had consequences for that territory (on all walks), but also discouraged Mexicans so overwhelmingly that some groups tried to follow the footsteps of the upstate separatists. But there was not only the protest of Texas against the change of system, also Yucatán and Tabasco declared their separation from Mexico for dissidence of the centralist regime. This process began to weaken the fragile national political structure even more. Simultaneously, anxiousness filled the air because of the noticeable ferocious appetite of the U.S for more and more Mexican territory: New Mexico, South and North California, Chihuahua, Coahuila, Nuevo León and Tamaulipas and despair took the country.

Evidently, the territory of the State of Coahuila and Texas was defined by historical terms, not by geographical, and its frontier imposed by force and greed. This was provided by Article 6 of the Constitution of Coahuila and Texas, issued

³⁹ Channing reviews in his letter to Henry Clay on the "annexation of Texas", the insurrection and the hidden strategy of taking on Mexican territory considering that the first step was done towards crime, war and slavery. He suggested to most transparent use of human wisdom had been to use civil institutions in order to fight down war, suppression and the use of power between citizens; but the governments have prepared themselves for war and put their forces against other nations extending desolation, misery and death. See: <http://www.san.beck.org/GPJ16-Abolitionists.html#1> and <http://transcendentalism.tamu.edu/authors/wechanning/>

⁴⁰ Channing writes: "Our Eagle is taking on and will not satisfy its appetite on the first victim and smell a tempting prey, more appealing blood, in every new region of the South. The annexation of Tejas means the continuous declaration of war to Méjico. The word *Méjico*, associated with ideas of unlimited wealth has already encouraged rapacity". And he adds later, "Tejas is the first step towards Méjico. When we install our authority in Tejas the boundaries between both nations will be nominal and only a little more than lines drawn on the sand of the ocean". Channing, *op. cit.*, p. 23

March 11, 1827, with a remark mentioning a constitutional law to be issued hereafter, obviously by the General Congress consonant with of the State legislatures, to draw the boundaries between the huge territory and the neighboring entities, but it was never passed.

The border setting problems between Texas and the rest of the country started booming with the controversial Treaty of Guadalupe Hidalgo in 1848.⁴¹ Perhaps the most delicate issue derived from this situation, was the southern border setting of New Mexico and Chihuahua, in particular the feeble situation of the population of Paso del Norte, nowadays Ciudad Juarez, as the Guadalupe Hidalgo Treaty established Mexico as the inalienable owner, while the other limits would be drawn along the common including Gila River and Bravo River.⁴²

The delimitation of the border was described as a "task of such magnitude both nations were unaware of"⁴³ due to the fact that Article 5 of the Treaty notes the border to be set along the riverbed of Río Bravo from its outlet "to the southern border of Mexico, from there westwards following the southern borderline of New Mexico running north of Paso town until its west end continuing northwards along the west border of New Mexico until intersecting with the first tributary of the Gila River".⁴⁴ For the settling of the boundary issue arisen from the Guadalupe Hidalgo

⁴¹ During the Treaty discussions Americans would demand the surrender of North and South California and New Mexico and established the frontier of South Texas at Río Bravo. Richard Griswold del Castillo, *The Treaty of Guadalupe Hidalgo. A legacy of conflict*, USA, Norman-Oklahoma Press, 1990, 251 p. (Red River Books), pp. 23-24.

⁴² *Idem*, p. 34. As for Texas, Nueces river already formed part of the territory so that it was considered frontier between Texas and México. Before signing the Treaty of Guadalupe Hidalgo, River Nueces was one of the reasons for the war between México and the United States, due to the fact that while México claimed it as frontier of Texas, the United States expanded these boundaries towards Río Bravo or Rio Grande del Norte. "By agreeing to the Nueces boundary, however, the United States would tacitly be admitting responsibility for starting the war, because the first battles took place south of the river."

⁴³ Joseph Richard Werne, *Pedro García Conde: el trazado de límites con Estados Unidos desde el punto de vista mexicano (1848-1853)*, pp. 113-129, in: *Historia Mexicana*, Vol. 36, No. 1 (July to September), Mexico, El Colegio de México, 1986. Internet Source: http://codex.colmex.mx:8991/exlibris/aleph/a18_1/apache_media/K6LAE9LEPCXSDBMR8JY11K9PGDGO_PA.pdf

⁴⁴ *Idem*, p. 114. For the implementation of such actions they would use a map published by J. Disturnell in 1847, called "Mapa de los Estados Unidos Mexicanos", but it had severe mistakes. Americans also reported the mistakes of that map, but as that way the limits were established by the Treaty of Guadalupe Hidalgo they were forced to respect them.

Treaty a joint commission on behalf of the two countries was formed by Pedro José García Conde and surveyor José Salazar Ilarregui for Mexico along with John Russell Bartlett and surveyor Andrew Belcher Gray in representation of the U.S.⁴⁵

Conclusion

The setting of the Texas-Mexico border undoubtedly is the beginning of the war between Mexico and the United States. But regardless this huge an issue, it turned out to be the reason for Mexico to demand a border setting and patrolling which does not mean that it never happened before are the Adam-Onís treaty of 1819-1821, and the friendship and trade between Mexico and the United States in 1831, but the U.S. territorial expansion of early nineteenth century Mexico reacted belatedly made to clearly establish its limits. One of the major problems to worsen this situation was the very splendid concessions of the Mexican government to U.S. citizens so that they could colonize the vast lands of Coahuila-Texas. Practically, their stay on Mexican territory was not conditioned nor their free transit restricted throughout the country. Despite all these advantages, the American settlers in Texas never felt like being Mexicans nor adopted they their national customs, but instead, regarded the political situation unfavorable to their economic practices, so that they eventually went after its annexation to the United States whereby many actions were taken by the American government to achieve it and, and of course surreptitiously, to avoid confrontations with the Mexican government, though still so notorious, that Channing evidenced the fact by accusing Texans of being traitors of the country that had welcomed them so willingly.

The corollary of this action was the determining decision of Texans and the United States for splitting apart from Mexico and set, at all costs, the boundaries between them and Coahuila, breaking the longstanding relationship of the province

⁴⁵ *Idem*, p. 119. Like Gray he was absent due to illness, Barlett designated on an interim basis Sergeant Amiel Weeks Whipple to serve as surveyor.

of New Spain, and later, of the rest of the country, which consequently lead to the war between Mexico and the United States, and later, the Treaty of Guadalupe Hidalgo, so reaching the climax of the American expansion policy for having acquired the coveted lands of Texas, New Mexico and North California, defining the boundaries between the two nations. However, the situation of the boundaries between the two countries actually was not settled, but started a new fashion of settlement through commissions and treaties.

What we can be noted is the fact that the Texas-Mexico border situation was the beginning of a new relationship between Mexico, Texas and the United States. And it is precisely this relationship that should be privileged: there are no separate, opposite or enemy entities, but a shared and interwoven history between past and present, former New Spain and Mexico and present United States of America and Mexico. The roots of Texas, first as origin of the province of Coahuila and Texas between 1824 and 1835, then as part of an independent territory between 1835 and 1845, and finally, as part of the United States since 1846.

The current relations between Mexico and Texas are largely the result of a common background, unfortunately, they are not based on the rule of law or the predominance of international law, but conquest and deception. Borderlines should be the outcome of international agreement and negotiations, not by force, but by mutual interest.

The case of Texas was one of the first distortions of the Monroe Doctrine undertaken by President John Tyler.⁴⁶ His follower, James K Polk, and the platform of his party since 1844 of expansion created a kind of “political overlordship” of the United States on the Continent. Senator John Bell of the State of Tennessee mentioned that the Monroe Doctrine had: “become a doctrine of progressive absorption and annexation and conquest of Spanish America”.⁴⁷

⁴⁶ Gaston Nerval. *Autopsy of the Monroe Doctrine*. MacMillan Co. New York. 1934. p. 189. Herrera. *Op. Cit.* p. 123

⁴⁷ *Op. Ult. Cit.* p. 185

The Mexican regulation of newcomers from the United States in 1830 proved a failure because the natural flow of immigrants in two neighboring countries is not contained by decree but by understanding; this Mexican lesson might serve nowadays with the border of Texas and Mexico. The artificial separation of countries by boundaries is not definitive when nature and societies form a unity in history.