

The Hispanic American Historical Review

Vol. V

MAY, 1922

No. 2

ANGLO-AMERICAN FILIBUSTERS AND THE GADSDEN TREATY

Raids of bands of filibusters from the United States were a source of considerable uneasiness and bitterness to Mexico during the five years subsequent to the treaty of 1848, and they caused the federal authorities of the Washington government no little vexation. Indeed, the decade subsequent to the Mexican war may with truth be called the Golden Age of the Anglo-American Filibusters. Not only did they make incursions into Cuba, Mexico, Central America, and the Sandwich Islands, but there was talk among them and their friends of giving more than sympathy to Ireland and the oppressed peoples of Europe.¹

Between 1848 and 1853, Cuba and Mexico were the main centers of attraction. With reference to a particular expedition it was often uncertain which of these was the goal, and it was sometimes asserted that the occupation of the one would serve as a base for the conquest of the other. The Mexican government and public were therefore almost as much disturbed by expeditions in reality designed for Cuba as by plans for the invasion of Mexico.

¹ *Democratic Review*, old series, XXXI (February and May 1852), 97-128, 401-424, XXXII (July, 1852), 4ff. Recall in this connection the visit of Kossuth, and see J.M. Callahan, *Cuba and International Relations* (Baltimore, 1889), p. 239 ff.

FILIBUSTER MOVEMENTS IN 1848 AND 1849

Threats of invading Mexico began soon after the treaty of Guadalupe Hidalgo was signed. On May 30, 1848, at twelve in the night, a party of eighteen armed Americans entered the pueblo of Nuri, in the district of Álamos, Sonora, robbed and burned the homes of the leading inhabitants, seized a number of stock, and then fled. They were pursued and forced to abandon their plunder, but as they retreated by the rancho of Tarahumares,² they carried off eleven animals, three saddles, and forty dollars in money.

This, of course, was merely a band of robbers. Before the close of the year, however, rumors of a filibustering expedition of an important nature became current. On August 30, Buchanan, then secretary of state, sent circulars to the district attorneys of St. Louis, Little Rock, Jackson (Tennessee), Natchez, Galveston, and Mobile, instructing them to guard against the apprehended attempt on the part of the citizens of the United States to invade the northern states of Mexico. This design, if it ever existed, was soon exploded, however.³

The year 1849 opened with swarms of emigrant gold-seekers passing along the southern routes to California.⁴ On June 1, 1849, a band of forty of these fortune-hunters attacked and pillaged the undefended *mineral* of Cieneguita, maltreated its citizens, and escaped across the Gila before an organized pursuit could be made. This, too, was, perhaps, no more than a band of ruffians out for adventure, but such adventurers were later to give Mexico trouble from their new home in California.⁵

In the following August more formidable plans were set on foot. A certain Colonel White, who had fought in the race war of Yucatán, collected a band of some 540 men on Round Island, near New Orleans. He was said to be expecting reinforcements

² Comisión Pesquisidora de la Frontera del Noroeste (1872), *Informe*, pp. 7-8.

³ Buchanan, *Works* (J. B. Moore, ed.), VIII, 192-195.

⁴ J. W. Audubon, *Journal of Western Travels* (F. H. Hodder, ed., Cleveland, 1906); Blanch Eppard, *The Southern Emigrant Trails to California*, University of California Library, MS.

⁵ Comisión Pesquisidora de la Frontera del Noroeste (1872), *op. cit.*, p. 8.

from New York, Boston, and Baltimore. Although the purpose of the filibusters could not be ascertained, reports indicated that they were destined either for Yucatán, for Cuba, or for the Sierra Madre states where an independent republic had recently been proclaimed.⁶ This expedition was soon broken up, also.⁷

THE LÓPEZ EXPEDITIONS

In May, 1850, and in August, 1851, occurred the López expeditions against Cuba. The first of these went by way of Yucatán and left a portion of its forces on the Mexican island of Contoy.⁸ The second occurred at the time the Louisiana Tehuantepec Company was threatening to invade Mexico, and this coincidence probably gave rise to the report, by the correspondent of *El Universal* at New Orleans, that 50,000 filibusters were preparing to attack Tehuantepec.⁹ At any rate, the destiny of Mexico was conceived to be so closely linked with that of Cuba that Mexicans could not look with indifference upon Cuba's fight with the "pirates".¹⁰

THE MOOREHEAD EXPEDITION

Before the second expedition of López left the United States simultaneous preparations for invasions of Mexico were begun in California and Texas. The organization of the former enterprise seems to have been poorly planned. Indeed, there may have been in progress at the same time preparations for more than one raid, but the chief promoter of the schemes seems to have been Joseph C. Moorehead, Quartermaster-General of California.

⁶ *Sen. Ex. Doc. No. 57*, 31 Cong., 1 Sess. (Ser. 561) pp. 4ff. Taylor in his proclamation was uncertain whither the expedition was bound.

⁷ R. G. Caldwell, *The López Expeditions to Cuba, 1848-51*, (Princeton, 1915), pp. 43-56.

⁸ *Ibid.*, p. 70ff.

⁹ *El Universal*, 10 de agosto de 1851. For the threats of the Louisiana Tehuantepec Company, see J. F. Rippy, "Diplomacy of the United States and Mexico Regarding the Isthmus of Tehuantepec, 1848-1860", in *Mississippi Valley Historical Review*, VI. (May, 1920), 503.

¹⁰ *Ibid.*, 30 de agosto, 2 y 6 de setiembre, 1853.

In March, 1851, news came from Los Angeles to the effect that a party of men armed with rifles and six-shooters had passed through that town. They were said to be a portion of a band of three hundred who were ostensibly on a prospecting tour to the Gila, but their real purpose was to make a descent upon Sonora.¹¹ It was further rumored that, during March and April, several parties numbering from twenty-five to one hundred had departed with the avowed purpose of revolutionizing the same state.¹²

It is possible that these belonged to the Moorehead enterprise. On April 20, after having disposed of a considerable portion of the arms and munitions under his charge and appropriated the proceeds, Moorehead purchased the bark *Josephine* and left for Mazatlán. With him he carried only about forty-five men, but there seems to have been two other divisions connected with the undertaking, one of which was to proceed *via* Los Angeles, and the other by sea to La Paz.¹³ Before the close of the month the *Josephine* landed at San Diego, where most of the adventurers forsook their bankrupt leader and set out on their return to San Francisco.¹⁴ Moorehead himself, fearing arrest for misappropriation of state property, spent some time in Lower California.¹⁵ At length, about May 8, he set sail for Mazatlán.¹⁶ No other information regarding him has been found.

On July 2, the Prefect of Guaymas reported that American adventurers whom he supposed to be filibusters had landed at La Paz.¹⁷ What steps were taken against them has not been ascertained. They may have received rough treatment, as

¹¹ *Alta California*, April 5, 1851; *Pinart Transcripts, Sonora*, IV. 312-313. MS., Bancroft Library, University of California.

¹² *Los Angeles Star*, May 26, 1851. Quoted in *El Universal*, 11 de julio de 1851.

¹³ H. H. Bancroft, *History of California* (San Francisco 1884-1890), VI. 584.

¹⁴ *Alta California*, May 17, 1851.

¹⁵ On April 25, the governor had asked the legislature to make provision for Moorehead's apprehension by a suitable reward, or by sending some person with authority for his arrest, but the request was not granted. *Journals of the California Legislature*, 2nd. sess., pp. 452, 479, 496, 1716, 1717, 1720.

¹⁶ *Alta California*, May 17, 1851.

¹⁷ *El Universal*, 18 de julio de 1851.

Mexican soldiers and artillery had been ordered by the central government to that territory in the previous May.¹⁸

The division which went by land reached Sonora in July. On the 6th of that month, the commander of the military colony at Santa Cruz reported that he found an encampment of North Americans near San Javier. Three days later, four of the party arrived at Arispe, whither they said they had come to ask permission of the state government to work the mines.¹⁹ During the same month two others of the same party came to San Ignacio to purchase tea and coffee.²⁰ Preparations for the expulsion of the filibusters proceeded slowly, however, for on August 10, the original party, now increased to sixty-seven, had been allowed to take up its quarters in a ranch house; and it was not until November that they were expelled from the state.²¹

THE RAIDS OF CARVAJAL

The disturbances in Texas were of greater magnitude, and they resulted in greater injury to Mexico. During the war of 1846-1848, the United States government promulgated a tariff law of its own and invited Anglo-American merchants to introduce their goods.²² This was the signal for a considerable rush for the lower Rio Grande. When the war closed, these merchants soon found themselves involved in difficulty. Their goods were subject to vexatious delays before being permitted to proceed to the interior, or were confiscated outright,²³ and their chances for future profits were virtually cut off by high tariffs and prohibitions.²⁴ This was disappointing and exasper-

¹⁸ *Ibid.*, 22 de mayo de 1851.

¹⁹ Flores to Governor of Sonora, July 9, 1851, in *Pinart Transcripts, Sonora*, IV. 329-330.

²⁰ Prefect of San Ignacio to Governor of Sonora, August 14, 1851; *ibid.*, IV. 333.

²¹ Prefect of Guadalupe to same, August 20, and *El Sonorense*, 7 de noviembre de 1851, *ibid.*, IV. 342.

²² *Sen. Ex. Doc.* No. 80, 32 cong., 1 sess. (ser. 620), p. 57.

²³ *Sen. Ex. Doc.*, No. 18, 35 cong., 2 sess. (ser. 981), p. 82 ff.; *ibid.*, 44 cong., 2 sess. (ser. 1720), p. 18 ff.

²⁴ Dublán y Lozano, *Legislación Mexicana* (Mexico, 1876-1879), V. 42-44. 62-63, 545-546, VI. 42-43; *Sen. Ex. Doc.*, No. 52, 32 cong., 2 sess., (ser. 665), pp. 227-229.

ating, and they were made to feel the situation more keenly by the belief that British interests had dictated the Mexican tariff laws.²⁵ Having once got a taste of the profits of Mexican trade, they did not easily give up, however. The practice of smuggling was soon begun, and, judging from the amount that went on, the returns must have been large. Practically every Anglo-American along the line chose the pursuit of a merchant rather than that of stock-raising or agriculture, and smuggling, ceasing to be blameworthy, soon became meritorious.²⁶

But this pursuit was by no means free from difficulty. The customs-house guards of Mexico seemed to show considerable energy. In November, 1849, they seized a contraband, and in January, February, and March, 1850, other cargoes were taken.²⁷ On July 20, the federal government made provision for a special guard for the northern frontier.²⁸ This attempt to give the revenue system rigorous enforcement made the merchants more desperate. They now began to organize bands for the recovery of cargoes seized by the Mexican officials, and their efforts sometimes met with success.²⁹ Just at this juncture, there occurred a revolution in Tamaulipas which furnished an opportunity for operations on a larger scale.³⁰

Prominent among the insurgents was José Mariá Carvajal who had been educated in the United States and was fairly well known on both sides of the international line.³¹ The merchants accordingly decided to support this leader, at least until they

²⁵ *Sen. Ex. Doc.* No. 80, 32 cong., 1 sess. (ser. 620), p. 4; Em. H. D. Domenech, *Missionary Adventures in Texas and Mexico* (London, 1858), p. 327.

²⁶ W. H. Emory, "Report," *Ho. Ex. Doc.* No. 135, 34 cong., 1 sess. (ser. 861) pp. 63-64.

²⁷ Mexican Border Commission of 1873, *Report*, pp. 179-180; *Sen. Ex. Doc.* No. 31, 44 cong., 2 sess., (ser. 1720), U. S. Claims No. 200 and 363.

²⁸ Dublán y Lozano, *op. cit.*, V. 729-730.

²⁹ Mexican Border Commission of 1873, *op. et loc. cit.*

³⁰ For the plan of *La Loba* under which the revolutionists were operating, see *El Siglo XIX*, 30 de setiembre de 1851. The fact that this plan provided for the reduction of the tariff, the moderation of the punishment for smuggling, and the removal of the federal troops from the state, indicates that the Anglo-American merchants may have had something to do with it.

³¹ Domenech, *Missionary Adventures*, pp. 327-328.

could introduce large quantities of their goods virtually free of duties. Backed by their contributions, Carvajal was able by the offer of attractive pay to induce several Americans to enlist. Others were perhaps moved by the filibustering spirit of the times, while still others saw in the enterprise an opportunity to profit by the seizure of runaway slaves.³²

On September 19, Carvajal at the head of one hundred Mexicans and seventy Americans attacked Camargo. Darkness came on before the battle was decided, but during the night sixty more Americans crossed over from Davis's Ranch, and on the following morning the defenders of the town were forced to capitulate.³³ The insurgents held Camargo until October 9, when they began to move upon Matamoras.³⁴ Meantime their forces had received a considerable number of recruits, which probably included a few deserters from the United States army, and Ávalos, the commander of the Mexican troops at Matamoras, had suffered considerable excitement. The merchants, too, had probably decided that it was not to their interest to allow the revolution to assume too great proportions, and had suggested to Ávalos a method of counteracting it.³⁵ Accordingly, the latter had, on September 30, issued a tariff of his own which removed the prohibitions and greatly reduced the duties which had been established by the Mexican government.³⁶

On October 20, the siege of Matamoras began. A series of what might almost be termed sham battles ensued; and at length, "after eleven days of attacking, sacking, and burning, the filibusters retired demoralized and with great losses".³⁷ Carvajal took refuge in the United States where he collected the remnants of his scattered forces, and recrossed the Rio Grande only to be severely chastised after a four days' attack upon Cerralvo and

³² Smith to the Adjutant-General, July 18, 1852, in *Sen. Ex. Doc.* No.1, 32 cong., 2 sess., (ser. 659), pp. 15-20.

³³ Vicente Comacho to the Comandante General of the State of Nuevo León, September 24, 1851, *El Siglo XIX*, 14 de octubre de 1851.

³⁴ Ávalos to the Minister of War, October 11, 1851, *ibid.*, octubre de 1851.

³⁵ Domenech, *op. cit.*, p. 329.

³⁶ *El Siglo XIX*, 29 de octubre de 1851.

³⁷ H. E. Bolton, *Guide to . . . the principal Archives of Mexico* (Washington, 1913), p. 299.

compelled to seek refuge on the other side of the river.³⁸ On February 21, 1852, he made a third attempt near Camargo, having with him on this occasion more than four hundred Anglo-Americans, but the opposition of the authorities of the United States had precipitated and crippled his movements so that his defeat was easily accomplished. His forces suffered considerable losses and he was compelled once more to flee into Texas.³⁹ Even these defeats did not put an end to his efforts, however, for in the spring of 1853 he and his filibusters made another sally and in 1855 rumors of still another invasion were current.⁴⁰

By this desultory fighting the Mexican treasury was deprived of much needed revenue, the Rio Grande frontier was kept in a state of almost constant excitement, and race bitterness was intensified. The Americans along the border were chagrined by the defeat of their comrades and by the execution of several who were taken prisoners; Ávalos of Matamoras was burned in effigy at New Orleans, and hanged in effigy, with much celebration, on the banks of the Rio Grande opposite Matamoras;⁴¹ an officer of the filibusters crossed the river one evening at twilight, surprised and dispersed a Mexican guard of ten persons, and seized their horses; and a party of Anglo-Americans from Laredo, Texas, several times menaced the Mexican town of Monterey-Laredo on the opposite bank of the river.⁴² The Mexicans, on the other hand, were encouraged by the success of their arms to make excursions into Texas. One of these parties destroyed the ranch of A. V. Edmundson some forty miles above Brownsville and declared that the Mexicans intended to rob and kill all the Americans living along the river.⁴³ Ávalos,

³⁸ Comandante of Nuevo León to the Minister of War and Marine, December 9, 1851, *El Siglo XIX*, 26 de diciembre de 1851.

³⁹ Antonio Canales to the Comandante of Nueva León, February 24, 1852, *loc. cit.*, 9 de marzo de 1852; Smith to Adjutant-General, July 18, 1852, *Sen. Ex. Doc. No. 1 Part II*, 32 cong., 2 sess. (ser. 659), pp. 15-20; Letcher to Webster, March 8, 1852, *ibid.*, No. 87, 32 cong., 1 sess. (ser. 621), p. 125.

⁴⁰ Bolton, *op. cit.*, pp. 299-300.

⁴¹ Domenech, *op. cit.*, pp. 347-348.

⁴² Emory, "Report", *loc. cit.*, pp. 61-62; Mexican Border Commission of 1873, *Report*, pp. 188-189.

⁴³ *Alta California*, June 16, 1852.

who naturally was not pleased by the attitude assumed by the Anglo-Americans toward him, retaliated by instigating a widespread Indian invasion of Texas.⁴⁴

THE FIRST EXPEDITION OF RAOUSSET-BOULBON

While Carvajal and his followers were disturbing the tranquility of the lower Rio Grande, the French adventurers, who were at this time so numerous in California, were attempting to get possession of the mines of Sonora. The first two of their schemes, led by Charles de Pindrey and Lepine de Sigondis respectively, simply responded to an offer of lands on the part of Mexico in return for fighting the Apaches on the frontier, and were therefore devoid of filibustering intent.⁴⁵ The third seems to have been in its inception merely a mining and colonizing enterprize, but it later developed into something quite different.

Gaston Raousset de Boulbon, a French nobleman and soldier of fortune, had become deeply interested in the mines of Sonora. He soon evolved a mining and colonizing scheme so attractive that it enlisted the interest of the French consul at San Francisco and the French minister in Mexico.⁴⁶ In the early spring of 1852, he effected the organization of a company which styled itself *La Restauradora*, obtained the approval of the Mexican government, and secured the Swiss bankers Jecker, Torre, and Company as underwriters for the enterprise.⁴⁷ On May 19, 1852, with a company of 150 Frenchmen, he set sail for Guaymas. Soon after his arrival at that port, he found he had rivals in the field whose influence upon the government tended greatly to embarrass his movements.⁴⁸ He was forced to remain here a

⁴⁴ Domenech, *op. cit.* pp. 347-348.

⁴⁵ *Alta California*, October 18, 1852; W. O. Scroggs, *Filibusters and Financiers* (New York, 1916) 20-23 and authorities cited; F. Juda, "California Filibusters", *Grizzly Bear*, February, 1919, pp. 3-4.

⁴⁶ Scroggs, *op. cit.*, pp. 24-25.

⁴⁷ *Alta California*, November 25, 1852; Scroggs, *op. cit.*, pp. 25-26.

⁴⁸ Another banking house of San Francisco had enlisted the interest of prominent officials in Sonora in the same mines which Raousset had set out to procure. *Alta California*, October 25, and November 22, 1852; Scroggs, *op. cit.* p. 25.

month before he was able to start for his destination, and, after his departure, he was subjected to one limitation after another by Blanco, the military commander of the Mexican frontier. At length, his exasperation became uncontrollable, and he determined upon open rebellion. He posed as the champion and protector of an independent Sonora, and began hostilities by an attack upon Hermosillo, which he stormed and took on October 14. This victory, however, brought little advantage. The population did not respond to Raousset's appeal, several of the company had received wounds, and Raousset and a number of his officers were ill. The Frenchmen accordingly became anxious to get out of the interior. They soon patched up an agreement with the Mexican authorities by which they were to be allowed to proceed unmolested to Guaymas in consideration for the evacuation of Hermosillo. Setting out thither, they were met on the outskirts of the town by Blanco, who induced them to disband and submit to the laws and authorities of the country. Most of them soon found their way back to San Francisco. The Count himself, who had gone to Mazatlán did not return to California until the following spring.⁴⁹

When he reached San Francisco, Raousset was met with an ovation which left no doubt as to the sentiments of the Californians towards filibustering; and, enthused by this reception, he immediately set about to plan an invasion of Sonora. News of these preparations soon alarmed the Mexican government. The members of the foreign diplomatic corps in Mexico were notified of the affair and of the attitude which the government proposed to assume toward it.⁵⁰ At the same time, the executives of Sonora, Chihuahua, Sinaloa, and Lower California were ordered to prepare for defense.⁵¹ But Santa Anna, who had

⁴⁹ Scroggs, *op. cit.* p. 27-28; Juda, *op. cit.*, p. 4. It was reported that the merchants of Guaymas, in order to avoid the injury which an open conflict would occasion to their business, paid the Frenchmen to disband and leave in peace. See *Alta California*, December 18 and 23, 1852.

⁵⁰ *Circular al Cuerpo Diplomático extranjero*, 17 de mayo de 1853; *Bolton Transcripts of Documents in the Mexican Archives*. These are in the private library of Herbert E. Bolton, University of California.

⁵¹ *Pinart Transcripts, Sonora*, IV. 173.

just come to power, was apparently pondering whether it would not be wise to use the French as a buffer against the Indians and the expansionists of the United States. Levasseur, the French Minister in Mexico, learned of Santa Anna's state of mind and wrote the consul of his government at San Francisco. The month of June accordingly found Raousset again in Mexico seeking to obtain a contract for the peaceful introduction of a French colony. For some reason, however, he not only failed in his efforts, but so aroused the enmity of the dictator that he proclaimed the Count an outlaw and forced him to flee for his life.⁵²

When Raousset arrived at San Francisco once more, he found that the Americans had almost completed plans for an expedition against Mexico. This made him all the more determined to secure a foothold in Sonora, and he now began to solicit funds for a new enterprise. But his scheme progressed very slowly on account of the great popularity of the American project.⁵³

THE INVASION OF WALKER

The proposed American expedition was none other than that of the famous filibuster, William Walker. With the details of this rather interesting enterprise *per se* the writer is not so much concerned as with its international aspects, and its general place in the series of raids against Mexico. The incidents of this raid will therefore be narrated very briefly.

Walker, who was living at the time in California, became interested in the founding of a colony in Sonora some time during the year 1852,⁵⁴ and in June, 1853, he and his former law partner, Henry P. Watkins, went as agents of the enterprise to Guaymas. Here they asked permits to proceed to the interior, where they intended to have an interview with the governor of Sonora; but the Mexican authorities, suspicious of their intentions,

⁵² Scroggs, *op. cit.*, p. 29.

⁵³ *Ibid.*, *op. et. loc. cit.*; Juda, *op. cit.* pp. 4-5. For the correspondence exchanged between Raousset and the Mexican military authorities, see *Pinart Transcripts, Sonora, V. passim.*

⁵⁴ Walker, *The War in Nicaragua* (N. Y. 1860), p. 19.

refused to grant the request and suggested that it would be wise for them to get out of the country.⁵⁵ Walker had remained at Guaymas long enough, however, to convince himself that a small body of Americans could hold the frontier of Sonora and protect its inhabitants from the Indians;⁵⁶ and, accordingly, his failure to gain a semblance of legality for the enterprise was in no way discouraging.

When the agents returned, they found preparations well under way, and on October 17, at one o'clock in the morning, after having experienced considerable vexation from the interference of the federal authorities, a party of forty-five under the leadership of Walker set sail in the brig *Caroline*.⁵⁷ Although Walker's ultimate aim was Sonora, he deemed it wise first to occupy Lower California as a base for operations.⁵⁸ Proceeding down the coast, he put in for the first time at Cape San Lucas. In the vicinity of this port, the filibusters spent several days awaiting reinforcements which they expected to arrive at any time. Concluding at length that the auxiliaries had passed them, they set out for La Paz, the designated point of reunion. They landed here on November 3, and had little trouble in making a prisoner of the *Gobernador Principal* Espinosa and seizing the town. One of the first things they did was to tear down the Mexican flag and hoist one of their own, proclaiming the republic of Lower California. Then for the next few days they seem to have engaged in pillage and destruction, not only sacking the customs-house and the home of the *Gobernador Principal*, carrying off the archives of both, and setting fire to the buildings, but also plundering whatever other houses suited their fancy.

When they were on the point of leaving La Paz, the new executive, Rebolledo, who had been sent out to supersede

⁵⁵ Antonio Campuzano to the Governor of Sonora, July 3, 1853, and accompanying documents, *Bolton Transcripts*.

⁵⁶ Walker, *op. cit.*, p. 21. The protection of the Sonorans from the Indians was a favorite plea of Walker.

⁵⁷ Scroggs, *Filibusters and Financiers*, p. 36, says they set sail on the 16th, but this is evidently an error. See *Alta California*, October 18, and the Statement of F. Duclaud, a passenger on the *Caroline*, in *Bolton Transcripts*.

⁵⁸ Walker, *op. cit.*, p. 6.

Espinosa, put in his appearance. He was just in time to fall into the hands of the filibusters, and they accordingly confined him along with their other prisoners. This occasioned some delay, and, during the interval, it was learned that Mexican troops were coming up. This information emboldened the citizens of La Paz to attack the filibusters while they were embarking. In the encounter which followed, three of the Walker party were killed and others were wounded. The Mexicans also suffered some casualties.⁵⁹

From La Paz Walker returned to Cape San Lucas. Landing here two days later, he prepared to set up his government, but for some reason changed his mind. Magdalena was next spoken of as a possible capital, but again Walker changed his mind. Ensenada was then decided upon, and the filibusters reached here on November 29. The president immediately organized the government, and issued an address to the people of the United States giving his reasons for the course he had taken.⁶⁰

At the same time he sent out a detachment to a neighboring ranch to secure horses for mounting his troops. These having been obtained, he dispatched a force of improvised cavalry to take the village and military colony of Santo Tomás. Negrete, the commander of the colony, was notified of their intention, however, and he succeeded in repulsing the filibusters and forcing them to retire. Moreover, the Mexican leader harassed them during their retreat, pursuing them to the filibuster encampment to which he laid siege. On the morning of December 14, the filibusters made a sortie and drove the besiegers away. But the captive Mexican executives in the meantime induced the quarter-master of the *Caroline* to sail away with the arms and supplies which remained on board.⁶¹

⁵⁹ Testimony of Duclaud, *loc. cit.* The filibusters claimed that a party of six who were sent ashore to gather wood were fired upon, and that Walker and a company of thirty came to their rescue, administering a sound defeat. For both reports as they reached Upper California, see *Alta California*, December 8, 1853, and January 3, 1854.

⁶⁰ *Alta California*, December 8, 1853.

⁶¹ Samuel Ruland to the San Diego *Herald*, December 16, 1853, quoted *Alta California*, December 27, 1853; Espinosa to the Minister of War and Marine, December 18, 1853, in *Bolton Transcripts*.

This left the filibusters in rather desperate straits, but reinforcements arrived a few days later, and the party, now numbering more than two hundred, began to forage off of the country and to prepare for the advance into Sonora. While the filibusters seized horses to mount their men, and "confiscated" and slaughtered cattle in order to obtain dried beef for the march, their leader proclaimed the Republic of Sonora and annexed it to the state of Lower California.⁶² On February 13, they set out to occupy their new republic, marching *via* Santo Tomás and San Vicente. While at the latter village, Walker summoned the natives to a convention. The delegates were received with military honors, and forced both to take the oath of allegiance and to subscribe to a declaration which Walker presented to them!⁶³ Having thus obtained useful evidence of the adhesion of the natives, the adventurers, now considerably reduced in number by sickness and desertion, left a small garrison at San Vicente and set out for their destination.

Two weeks later a party of ragged, half-starved filibusters were said to have crossed over the Colorado. Fifty of them immediately deserted and went to Fort Yuma. Walker, with the remainder, stayed in Sonora only three days. The party then recrossed the Colorado and retraced their steps to San Vicente. Arriving there, they found that the garrison had been annihilated by the band of the famous robber, Meléndrez. This chieftain now began to threaten and annoy Walker and his company, and they soon decided it was time for them to effect their escape into the United States. Meléndrez, though constantly encircling them in bantering fashion, did not risk an encounter. At length, early in May, 1854, thirty-three of the filibusters crossed over the line near Tía Juana where they surrendered themselves to the officers of the United States army.⁶⁴

⁶² *Alta California*, January 30 and 31, 1854.

⁶³ *Ibid.*, March 15, 1854; Marcy to Almonte, June 12, 1854, in *Bolton Transcripts*.

⁶⁴ *Alta California*, April 26, and May 16, 1854. The best account of this expedition is found in Scroggs, *Filibusters and Financiers*, p. 31 ff. The writer, as will appear from the citations, has not only had access to most of Scrogg's sources, but he has used transcripts of Mexican official documents and other Mexican sources which Scroggs did not have.

ATTITUDE OF THE UNITED STATES TOWARD THE FILIBUSTERS

From this sketch of the filibustering raids it will be seen that between 1848 and 1853 Mexico was rarely free from their threats. Moreover, the situation was rendered more serious by the fact that the government of the United States was either unwilling or unable to restrain its lawless, adventurous subjects. While it is probable that Mexico clung to the former view, there seems nevertheless to have been a great deal of truth in the latter. On the whole it may be asserted, that during this period (from 1848 to 1853) the successive federal administrations were not *unwilling*, but *unable* to restrain them. In taking this view, it is not necessary to maintain that the motives of the government were entirely unselfish. What was desired at the time was transit and communication privileges, commercial concessions, and probably more land; and the saner statesmen realized that this show of force was one of the main obstacles preventing the achievement of these ends. If the federal government of the United States had the disposition to prevent such raids, why then was it unable to do so? In order to answer this question it will be necessary to consider briefly the origin and development of the neutrality laws of the United States, as well as some of the attempts to enforce them.

LEGISLATION OF THE UNITED STATES REGARDING NEUTRALITY

The question of neutrality was first brought to the attention of the United States government by the European war which resulted from the French Revolution. Washington's stand in regard to the attitude which his nation should assume toward this struggle is well known. On April 22, 1793, he issued his famous proclamation of neutrality, and circular letters were immediately dispatched to the executive authorities of the several states requiring their coöperation, with force if necessary, in order to obtain its observance. But French sympathy was strong; the proclamation was not supported by an undivided public opinion; and the question, moreover, assumed a sort of political aspect. The states either had no laws reaching the subject, or felt little disposition to enforce them, and those

indicted under federal proceedings had recourse to that paladium of English liberty, the jury trial. The outcome was shown by the case of Gideon Henfield who was prosecuted for taking service on a French privateer in 1793. A sympathetic jury brought in a verdict of not guilty, and his acquittal was hailed with applause by a large number of American citizens.⁶⁵

This important question moved Washington to call a special session of Congress, and one of the results was the neutrality law of June 5, 1794. This act contained a provision for its expiration within a little more than two years, but it was extended for a limited time in 1797 and perpetuated by act of April 24, 1800. The revolt of the Spanish colonies led to an attempt to revise the law, and on April 20, 1818, an act superseding all previous legislation was approved; but except for the addition of the phrase, "colony, district, or people", so as to make it applicable to the Spanish-American insurgents, it was virtually identical with the act of 1794. The Canadian insurrection gave occasion for another attempt to modify the regulations regarding neutrality, which resulted, however, only in the temporary measure of March 10, 1838. The law of 1818 was therefore in operation during the period under consideration; and, in order to understand the procedure of the United States in regard to the filibuster raids which have here been narrated, it will be necessary to quote the portion of this act which was applicable to them.

And be it further enacted, That if any person shall, within the territory or jurisdiction of the United States, begin or set on foot, or provide or prepare the means for, any military expedition or enterprise, to be carried on from thence against the territory or dominion of any foreign prince or state, colony, district, or people with whom the United States are at peace, every such person so offending, shall be declared guilty of a high misdemeanor and shall be fined not exceeding three thousand dollars, and imprisoned not more than three years.⁶⁶

⁶⁵ Marshall, *Life of Washington* (Philadelphia, 1804-1807), V. 418 ff.; U. S. v.; Henfield, 11 *Federal Cases*, 1099, and U. S. v. O'Sullivan et al., 27 *ibid.*, 368 ff.

⁶⁶ § U. S. Stat. at Large, 449, sec. 6. For the provisions of these acts see U. S. Stat. at Large, under dates mentioned. A concise history of the laws is given in U. S. v. O'Sullivan, 27 Fed. Cases, 377 ff.

DIFFICULTIES IN THE APPLICATION OF THE LAW

In the application of these provisions several difficulties were confronted. In the first place, the language is indefinite. In speaking of the portion of the law which has been quoted, John Marshall said there was "want of precision in the description of the offense, which might produce some difficulty in deciding what cases should come within it".⁶⁷ The act made it a misdemeanor to set on foot an expedition, or to prepare means for an expedition against a country at peace with the United States; but was it a violation of the law to hold meetings and appoint committees to provide means and make collections for the purpose of aiding a revolution in such country?⁶⁸ It was to be a penal offense to set on foot a military expedition; what was meant by the term "military expedition"? Would the act apply to emigrants who were leaving with their arms for protection, but with no apparent military formation?⁶⁹ What, moreover, was meant by the phrase, "to be carried on from thence"? If a leader who had decided to engage in hostilities against a country friendly to the United States, should decide upon a certain rendezvous outside of the jurisdiction of the United States, would citizens who proceeded to the rendezvous in response to an informal invitation to join the enterprise expose themselves to the penalty of the law?⁷⁰

In the second place, the law was penal rather than preventative, and therefore did not provide sufficient precautionary means to enable the government to arrest persons entering upon such enterprises before the crime was consummated.⁷¹ Insofar as it related to the acts of armed ships, this defect was remedied by a measure passed on March 3, 1817, which provided that the owners of vessels must give bond for their orderly conduct

⁶⁷ *Democratic Review*, old series, XXXI. (April, 1852), p. 310.

⁶⁸ *Ho. Ex. Doc.* No. 74, 25 cong., 2 sess. (ser. 325), pp. 392-393; *U. S. v. O'Sullivan*, *loc. cit.*

⁶⁹ *Ho. Doc.* No. 2, 24 cong., 2 sess. (ser. 301), pp. 52, *passim*.

⁷⁰ *Democratic Review*, XXXI. (April and June, 1852), 310-311.

⁷¹ *U. S. v. O'Sullivan*, *loc. cit.*; *Ho. Doc.* No. 35, 25 cong., 3 sess. (ser. 346), p. 340.

while upon the high seas. But this was repealed in the following year. Again, on March 10, 1838, the crisis in British relations led to the passage of a law adapted to the peculiar conditions of the northern frontier. By this act, a new rule of evidence was introduced, founded on probable cause alone as sufficient authority to seize and stop, without a warrant, the incursions into Canada; and a new set of officers—collectors, surveyors, inspectors of customs, naval officers, marshals, etc.—was charged with the duty of enforcing its provisions. But this law expired by its own limitations and no similar provision was re-enacted.⁷²

Lastly, the regulations regarding neutrality were not backed by public opinion, without which any law is impotent. It was sometimes difficult to get the federal officials in the regions where the infractions occurred to run counter to public sentiment and enforce the laws;⁷³ and when indictments were obtained, it was virtually impossible to find a jury that would convict. In fact, it was asserted in 1851 that there had not been a single conviction under the sixth article of the act of 1818.⁷⁴

FEDERAL PROCEDURE REGARDING THE FILIBUSTERS, 1848-1853

The assistance given by Anglo-American citizens to the Texans had revealed to Mexico the inefficiency of the attempts of the government of the United States to maintain complete neutrality. The results of the efforts to suppress the filibustering enterprises from 1848 to 1853 were hardly more assuring. True, the Round Island scheme of 1849 was completely shattered by a vigorous presidential proclamation and by the efforts of seven war vessels which cut off all supplies from the adventurers and made their departure impossible. Warrants were then issued for the arrest of five of the leaders; but owing to the fact that the enterprise seemed discredited, and on account of the state of public opinion, no further action was taken.⁷⁵

⁷² 5 *Stat. at Large*, 212.

⁷³ This was especially true in regard to the Texas Revolution. See *Ho. Doc.* No. 2, 24 cong., 2 sess. (ser. 301), pp. 38-41, 52, 64, and *Ho. Doc.* No. 74, 25 cong., 2 sess. (ser. 325), pp. 389-390.

⁷⁴ U. S. v. O'Sullivan et al.

⁷⁵ Caldwell, *The López Expeditions to Cuba*, pp. 54-55.

The failure of the Round Island enterprise caused the filibusters to move with great caution. The vigilance of the authorities in New York had led López, early in 1850, to shift his main base to New Orleans. Here the filibusters found legal advisors who counseled them how to operate within the law.⁷⁶ And when, after the invasion of Cuba had been consummated, the remnant of the expedition was chased into Key West by a Spanish man-of-war, no attempt was made to arrest them, although their vessel was seized.⁷⁷ Soon afterwards, however, the grand jury of New Orleans found true bills against sixteen of the leaders. The secretary of the interior urged upon the district attorney there the importance of the case, declaring that the filibusters had brought the laws of the country into disrepute and disturbed its relations with a foreign power, and that therefore it was the president's "earnest" desire that they should be "brought to trial and punishment".⁷⁸ In regard to the first trial that came up, that of Henderson, the charge of the judge was, moreover, somewhat unfavorable to the defendant. Nevertheless, three successive juries were divided and failed to convict, and the other fifteen filibusters were accordingly discharged.⁷⁹

The federal authorities also made considerable effort to break up the López expedition planned in 1851. There was issued another proclamation even more vigorous than that of 1849.⁸⁰ Contingents in Ohio and New York were arrested and brought to trial, and once more there was an earnest, though vain attempt on the part of the federal judge to obtain a verdict of guilty from a too sympathetic jury.⁸¹ But, due either to uncertainty

⁷⁶ *Ibid.*, p. 57; District Attorney Hunton to Clayton, May 1, 1850, *Sen. Ex. Doc.* No. 57, 31 Cong., 1 sess. (ser. 561), p. 25; Caldwell, *op. cit.*, pp. 57 ff.

⁷⁷ Caldwell, *op. cit.*, p. 74.

⁷⁸ Ewing to Hunton, June 10, 1850, quoted in *ibid.*, pp. 77-78.

⁷⁹ Caldwell, *op. cit.*, pp. 78-89.

⁸⁰ In this proclamation Fillmore declared that those apprehended in their invasion of Cuba by the Spanish government need expect no intercession from the United States, no matter how desperate the straits to which they should be reduced. See *Sen. Ex. Doc.*, No. 1, part 1, 32 cong., 1 sess. (ser. 611), pp. 82-83.

⁸¹ *U. S. v. O. Sullivan et al.*, *loc. cit.*; *Democratic Review*, XXXI. (April, 1852), 307 ff.

regarding the application of the law to its proceedings, or to wilful neglect, the officer of the customs-house at New Orleans allowed the preparations of the main division of the expedition to go on virtually unmolested, and made no attempt to prevent its final departure. The good intentions of the federal government were evinced, however, by the severe censure and ultimate dismissal of this official.⁸²

With reference to the proposed expeditions against Mexico the federal authorities seem likewise to have exercised some little precaution. So far as has been ascertained, no action was taken in regard to Moorehead expedition. The readiness with which it fell to pieces of its own accord may have been taken as an indication that none was needed. Preparations for an invasion of the Sandwich Islands from California had given occasion for the instruction of Hitchcock, the commander of the Pacific Division, to obstruct the projected expedition or any other movement there in violation of neutrality.⁸³ For the first Raousset enterprise, which in its inception was free from filibustering intent, the government of the United States would of course not be responsible. His plans in the spring of 1853 had led the Mexican minister of relations to address Conkling, the United States Minister, upon the subject; and the latter, in reply, said that he was sure his government had taken no action only because the necessary positive proof was lacking.⁸⁴ News of the plans of Walker occasioned the exchange of another note, in which Conkling notified the Mexican government that he would transmit the information to his government in the "full assurance" that it would "exert, if necessary, all the powers with which it is [was] invested by the constitution and laws of the Union, to cause its neutral obligations to be faithfully fulfilled". He declined, however, to address a letter to the Governor of California relative to his duties in regard to the matter, because he felt that the public functionaries of that state and in that

⁸² Caldwell, *op. cit.*, p. 90, and note.

⁸³ Evidence submitted by U. S. District Attorney Inge to the California Superior Court, *Alta California*, Oct. 11, 1854.

⁸⁴ Conkling to Alamán, May 18, 1853, in *Bolton Transcripts*.

state were already aware of these duties, and because he was shortly to be superseded.⁸⁵ Gadsden had arrived at his Mexican post before the ability of those functionaries to prevent an invasion of Mexico from California had been tested. The attitude of the government of the United States toward proposed filibuster incursions into Mexican territory during the period under consideration had to be judged, therefore largely by the measures taken to suppress the Carvajal enterprises.

As soon as news of the movements of filibusters under Carvajal reached Washington, the federal government began to act. On September 22, 1851, President Fillmore instructed Twiggs and Smith, commanders of the military forces in Louisiana and Texas, to restrain the proposed expeditions.⁸⁶ One month later he issued a proclamation warning citizens of the United States of the penalties of the law regarding such enterprises and, as in the case of Cuba, declaring that all participants would place themselves beyond the pale of American protection.⁸⁷ Pursuant to his orders, the commander in Texas seems to have made considerable exertions to break up the filibuster plans. All the troops in the department were ordered to join in carrying out the instructions of the president, and between the officers at Fort Brown and General Ávalos, at Matamoras, there was apparently perfect harmony. In speaking of the raids of 1851, Webster declared that his government could "reproach itself with no dereliction of duty", though the efforts of the military authorities had been in a measure paralyzed by the desertion of troops to join the standard of Carvajal,⁸⁸ while Smith reported that the final suppression of the raid of 1852 was, "in a great measure, due to the personal efforts of General Harney, which so embarrassed and precipitated the final revolutionary movements, that all precautions for certain success could not

⁸⁵ Same to Bonilla, August 8, 1853, *loc. cit.*

⁸⁶ Quoted in *El Siglo XIX*, 30 de octubre de 1851.

⁸⁷ *Sen. Ex. Doc.*, No. 1, Part 1, 32 cong., 1 sess. (ser. 611), pp. 82-83.

⁸⁸ Webster to Letcher, December 22, 1851, *Sen. Ex. Doc.* No. 97, 32 cong., 1 sess. (ser. 621), pp. 109-111.

be taken".⁸⁹ In the spring of that year, Harney arrested Carvajal and turned him over to the civil authorities, but he was immediately released on bond and began preparations for another invasion.⁹⁰

It was possibly these preparations that led Webster to suggest to Fillmore the advisability of recommending to congress the re-enactment of a measure similar to that of 1838, but even more stringent. Fillmore followed Webster's suggestion, but congress failed to take any action.⁹¹ Early in 1853, therefore, Carvajal, as has been seen, was able to make other incursions into Mexico. In the spring of that year, however, he and some of his associates were again apprehended by the military authorities of the United States.⁹² On this occasion they were prosecuted, and acquitted as usual;⁹³ but the Mexican government probably did not learn the result of the trial until after the Gadsden treaty had been signed.

REPORTS IN MEXICO REGARDING THE RAIDS

In order fully to understand the significance of these expeditions, one must consider the impression they made in Mexico. None of them were important from a military standpoint, and under normal conditions they need have occasioned no great alarm; but the memory of the Texas affair was still fresh in the Mexican mind, and the war of 1846-1848 had left its legacy of bitterness and suspicion which the loud expression of expansionist sentiment in the United States would not allow to subside. It was easy, therefore, for exaggerated rumors to gain a certain amount of credence. In October, 1850, the Editor of *El Siglo XIX*, who was usually not an alarmist, expressed his conviction that the "turbulent waters of the Rio Bravo" opposed a very weak barrier to the "audacious marauders of the opposite

⁸⁹ Smith to Adjutant-General, July 18, 1852, *Sen. Ex. Doc.* No. 1, 32 Cong., 2 sess. (ser. 659) pp. 15-20.

⁹⁰ Niceto de Zamacois, *Historia de Mejico*. . . (Mexico, 1877-1882), XIII. 530.

⁹¹ *Ho. Ex. Doc.* No. 112, 32 cong., 1 sess. (Ser. 648), pp. 1-2.

⁹² Zamacois, *op. cit.*, XIII. 482, *passim*.

⁹³ *The Texas Monument*, January 25, 1854.

bank".⁹⁴ The editor of *El Universal* had likewise expressed alarm regarding the northern states of Mexico; and when news arrived of Clingham's prediction (made in congress, February 15, 1851) that the Californians would soon move upon the adjacent provinces of Mexico, this journalist seized upon the speech as evidence confirming his view of the matter.⁹⁵

Then came the report of the departure of the Moorehead expedition. On July 9, *El Universal* printed an article which had been sent from New Orleans by some friend of Mexico. The correspondent declared that the greed of the American people was increasing, and that if they once obtained a foothold in Sonora they would receive such constant reinforcements that it would be very difficult to dislodge them. As proof of this growing sentiment for expansion, he cited an article from the *New York Sun* of June 9, which contended that Mexico could never enjoy peace and prosperity until it was completely absorbed by the United States and its inhabitants placed under their truly republican institutions. When the sub-inspector of the military colonies in Sonora reported that a party of forty-eight Americans, presumably a portion of the Moorehead expedition, had crossed the line, he said he expected six hundred to follow soon.⁹⁶ Similar fears were expressed by *El Voz del Pueblo* of Ures.⁹⁷ Probably the climax of alarm regarding this enterprise was voiced by the editor of *El Universal* on July 20. A quotation from the *Herald* of New York praising the vigorous and progressive population of the Pacific who were already in search of other territory where they might exercise their skill and industry, furnished the theme for an editorial entitled: "Watch, therefore, for Ye know not the Day nor the Hour"!

The Carvajal raids excited even more alarm, because they tended to confirm the doubt which had previously been entertained regarding the loyalty of some of the North Mexican states. As early as 1849 a faction on this frontier had proclaimed

⁹⁴ 21 y 28 de octubre de 1850.

⁹⁵ 15 y 29 de abril de 1851.

⁹⁶ Sub-Inspector of Military Colonies to the Governor of Sonora, July 9, 1851, *Pinart Transcripts, Sonora*, IV. 329-330.

⁹⁷ Quoted in *El Siglo XIX*, 29 de agosto de 1851.

the Sierra Madre Republic.⁹⁸ When the plan of *La Loba*, under which Carvajal was fighting, was promulgated, it was probably natural that it should at once be connected with this movement. On October 12, 1851, *El Siglo* printed a letter from Saltillo declaring that the scheme had for its object the formation of a republic of the Sierra Madre States. The *Bandera Mexicana* of Matamoras reported that it was designed not only to set up such a republic, but ultimately to seek annexation to the United States.⁹⁹ On October 15, *El Siglo* quoted from the *Rio Bravo* of Brownsville, Texas, which was squarely back of the enterprise. This paper declared that if foreign gold and Arista should attempt to suppress the movement, ten thousand Americans were ready to hold aloft the flag of Sierra Madre; but, at the same time, it maintained that there was no desire for annexation to the United States. The editor of *El Siglo* believed that this disclaimer was false, and in confirmation of this opinion, reported two weeks later that Carvajal and his followers had laid aside all pretenses and boldly proclaimed the Sierra Madre Republic and annexation.¹⁰⁰

Excitement seemed to be just as intense in Mexican official circles as among the journalists. On October 28, Tornel made a speech regarding the situation in the Senate. He said that he believed the purpose of the enterprise was to "despoil the nation of three states immediately, of others later, and of its sovereign and independent existence" ultimately. His opinion was based, in part, upon the reports of the newspapers of Texas, Louisiana, Florida, and New York.¹⁰¹ Letcher, who was the minister of the United States in Mexico at the time, complained in October, 1851, that the movement embarrassed all his negotiations exceedingly. "Why grant privileges", it is said, "to a people whose object it is to rob us of the whole of our country whenever it may suit their convenience or gratify their cupidity"?¹⁰² Again,

⁹⁸ Bolton, *Guide to . . . the Principal Archives of Mexico*, p. 298.

⁹⁹ *El Siglo XIX*, 15 de octubre de 1851.

¹⁰⁰ *Ibid.*, 28 de octubre.

¹⁰¹ Quoted in *El Universal*, 30 de octubre.

¹⁰² Letcher to Webster, October 29, 1851, *Sen. Ex. Doc. No. 97*, 32 cong., 1 sess. (ser. 621), pp. 100-102.

in 1852, he wrote that the "third invasion against Mexico by Carvajal has [had] awakened a feeling of intense prejudice against everything connected with American interests".¹⁰³

There was similar excitement in regard to the proposed new scheme of Raousset de Boulbon and that of Walker and associates. The Mexican officials on the Pacific coast grasped with avidity every bit of information which could possibly be had. A favorite method was to take the sworn statement of the captains and passengers who put in at the ports of this section. Such statements taken from a British vessel which entered the port of Mazatlan in the spring of 1853 indicated that Raousset had a force of fifteen hundred adventurers.¹⁰⁴ Of a more alarming nature was the testimony taken from some of the Mexican passengers of the *R. Adams* which anchored at Guaymas in

December, 1853. These witnesses estimated the number of filibusters already on their way to Mexico at from fifteen hundred to two thousand, while they believed some four or five thousand would follow in case the former met with success. They declared that the meetings of the adventurers in San Francisco were quite open, that the enterprises had the support of several wealthy firms of that city, and that the officials there were ostensibly opposed to, but in reality in favor of the schemes. Moreover, the filibusters were in communication with certain individuals of Sonora, which state, together with Lower California, they intended to annex within a year. Having accomplished this, they then contemplated the annexation of the remainder of Mexico—an achievement which they expected to realize by the end of three years.¹⁰⁵

How was the crisis to be met? That the Mexican government was in no condition to repulse a formidable invasion seemed obvious. Santa Anna's picture of the situation when he came to power in the spring of 1853 was probably little exaggerated. He said that the fortresses were dismantled, the frontiers

¹⁰³ *Ibid.*, p. 125.

¹⁰⁴ *El Siglo XIX*, 8 de abril de 1852.

¹⁰⁵ *Bolton Transcripts*.

abandoned, the treasury empty, the credit exhausted, the army disorganized and poorly equipped.¹⁰⁶ It will not be surprising, therefore, if Mexico under the circumstance should demand, as a *quid pro quo* of any negotiations with the United States, an agreement on the part of the latter more vigorously to prosecute such piratical attempts.

As a matter of fact, one of the first problems which was called to the attention of James Gadsden after his arrival at Mexico City in August, 1853, was that of the Anglo-American filibusters.¹⁰⁷ Their movements constantly disturbed his mission, and he found it impossible to negotiate a treaty acceptable to the Mexican government without including in it some provision for more energetic effort on the part of the United States to prevent such raids. Article eight of the treaty as originally drawn up obligated the United States to pursue with the navy such filibustering expeditions as succeeded in eluding the civil and military forces of the government and getting out to the high seas. The senate of the United States struck out the article,¹⁰⁸ however, and the treaty in its final form contains no reference to the matter.

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¹⁰⁶ Antonio L. de Santa Anna, *A Sus Compatriotes* (Mexico, 1858) p. 8 ff.

¹⁰⁷ Bonilla to Gadsden, August 20, 1853, and Gadsden to Bonilla, August 22, 1853, in *Bolton Transcripts*.

¹⁰⁸ *Sen. Ex. Journal*, IX. 292-293.