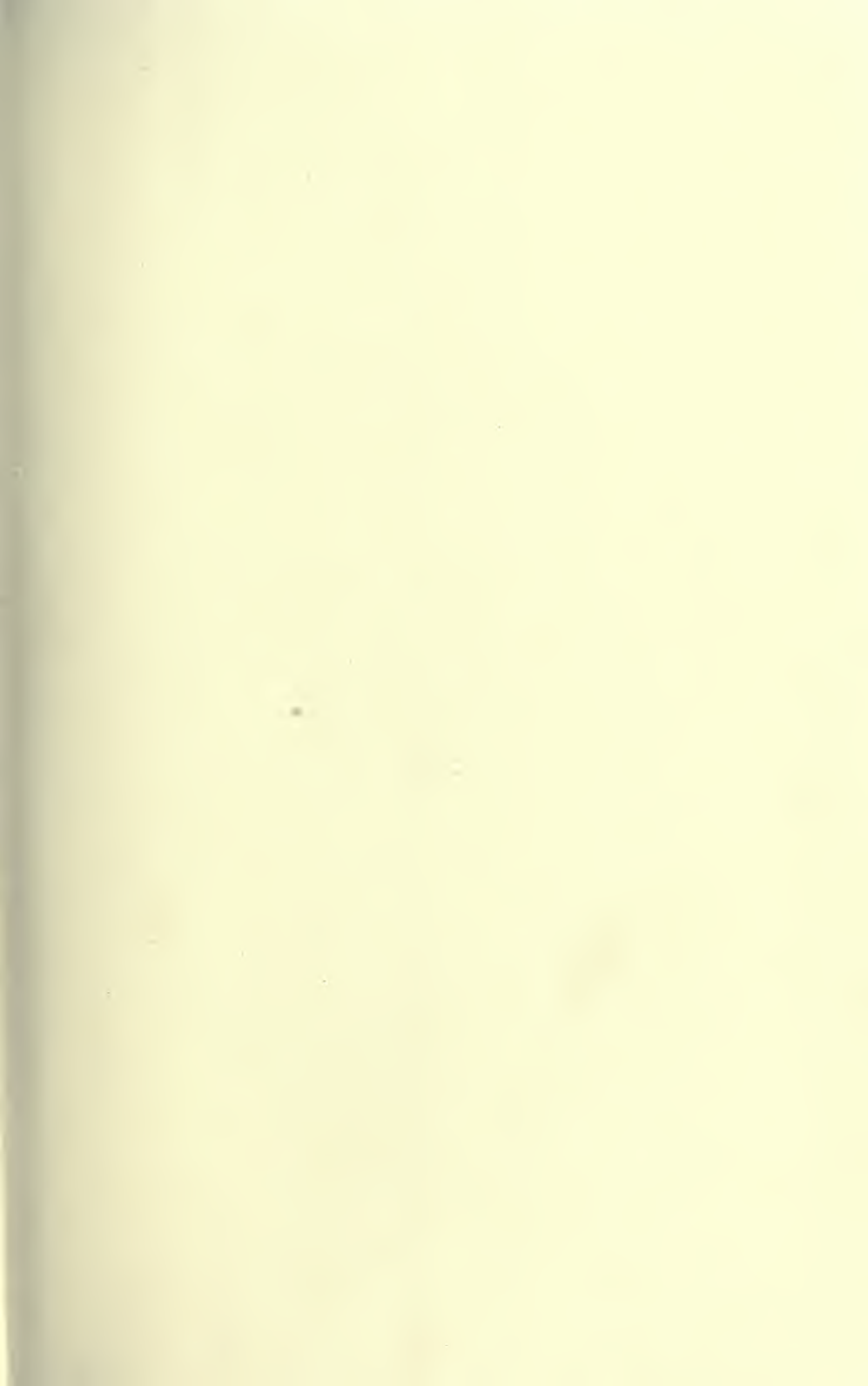


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HISTORICAL SOCIETY
OF
NEW MEXICO

No. ²⁰4

HISTORICAL SKETCH
OF
Governor William Carr Lane
Together with Diary of His Journey from
St. Louis, Mo., to Santa Fe, N. M.
July 31st, to September
9th, 1852

November 1, 1917

With Annotations by

RALPH E. TWITCHELL

Vice-President of the Historical
Society of New Mexico

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William Carr Lane

WILLIAM CARR LANE, son of Presley Carr Lane and Sarah Stephenson, was born in Fayette county, Pennsylvania, on the first day of December, 1789. His father was an independent farmer, a man of standing and influence and served his state in various official positions of honor and trust for twenty out of the thirty years of which he was a worthy citizen of the Keystone State.

William Carr was the third son of a family of eleven children, eight sons and three daughters, of whom only one child was living a few years since, Mrs. Anne Adams, of Shelbyville, Kentucky, at that time having reached the advanced age of eighty-three years.

He received the rudiments of education at a country school in the neighborhood where he was born, and at the age of thirteen was sent to Jefferson College, Chambersburg, Pennsylvania, where he remained two years, and then entered the office of his eldest brother, who was then prothonotary of Fayette county. Here he remained one year and acquired some knowledge of and acquaintance with the forms of law, and the mode and manner of conducting judicial proceedings.

Arriving at his majority he entered Dickinson College, and took a two years' course, and in the fall of the year 1811 commenced his medical studies under Dr. Collins, of Louisville, Kentucky; his father, meanwhile, having died, and his mother's family removed to Shelbyville, Kentucky, in the spring of that year.

He continued here in the prosecution of his medical education until the summer of the year 1813, when Dr. Collins, on account of ill health, removed to New Orleans, and William Carr Lane was left without any settled plan for life. At that time a call was made upon Kentucky for recruits to fight the Indians in the Northwest Territory, then under the command and leadership of Tecumseh and the Prophet. The Indians were committing great depredations upon the white settlements along the headwaters of the Wabash, and from whom and their allies, the British, our frontier troops had suffered in many encounters of the previous year.

Kentucky, which never failed to respond to the call of her country, was alive with military ardor, and William Carr Lane, naturally enthusiastic, partook of the spirit of military excitement; and, longing for active life, joined a brigade in an expedition under Colonel Runnell, of the United States Infantry. The destination of these troops was Fort Harrison, on the Wabash, about sixty miles north of Vincennes, in the vicinity of which the Indians were most troublesome. From this point expeditions were made in various directions to intercept and punish the savages, but, as the latter had timely notice, they abandoned their villages upon Mississinoway and retired toward the Mississippi.

The brigade, meeting with no success, returned to Fort Harrison, then under the command of Major Zachary Taylor, afterward president of the United States, but only to meet with a more formidable enemy in the bilious fever that prevailed so extensively along the whole course of the Wabash river.

Many of the troops fell sick and were disabled for service, and all the available medical skill was called into requisition; and among the rest, though very willingly, our student recruit, who by his care and attention, secured the good will of the officers, and was invited to join their mess, and very soon after was appointed surgeon's mate at Fort Harrison.

After finishing his studies at the University, he returned to Vincennes, and, joining Morgan's rifle regiment, left for St. Louis; and on arriving in the town, the tenth day of May, 1816, proceeded to the cantonment at Bellefontaine, on the Missouri river, about two miles above the mouth of that stream, which was then the established headquarters for military operations west of the Mississippi river.

During the next eighteen months Dr. William Carr Lane was on duty at the various military posts on the upper Mississippi: Fort Crawford (Prairie du Chien), Fort Armstrong (Rock Island) Fort Edwards (Des Moines), and Fort Clark (Peoria). He visited all these from time to time, using either canoes or horses. As the country was wild and uninhabited, he was compelled to camp out more than half the time, and forced to meet hardships, exposure and privations of no ordinary character.

Again Dr. Lane became somewhat tired of army life on a peace establishment, and tendered his resignation, with the view of retiring from the service and engaging in more active business. His resignation was not accepted, but a furlough was granted, when he again returned to the ancient and time-honored town of Vincennes,

where he had a large circle of close friends. Instead of joining the army of General Bolivar, the dictator, of South America, as he had contemplated, he gave up the perils and adventures of foreign lands and entered into the bonds of matrimony, marrying Miss Mary Ewing, of Vincennes, daughter of Nathaniel Ewing, of that town, on the twenty-sixth day of February, 1818.

Dr. Lane, subsequent to his marriage, was on duty in the military service of his country at Fort Harrison, but intended to settle into the regular practice of his profession in Vincennes, as his wife was averse to army life and urged his withdrawal from the service. He had passed a most creditable examination before the Medical Board of the state of Indiana, and on the eleventh day of May, 1818, received a diploma for the practice of medicine and surgery. Subsequent reflection caused him to change his mind in regard to the army, influenced as he was by early associations and warm attachments with the gallant officers and cultured gentlemen with whom he had been so long and so pleasantly associated, and he again accepted service as a surgeon in the United States Army, at Bellefontaine, on the Missouri river, in July, where he continued on duty until the third day of May, 1819, when he formally resigned and finally withdrew from military service, and took up his permanent residence in the city of St. Louis, where he commenced the practice of medicine and where he continued to reside until his death in 1863.

His resignation, however, was accepted by the government only upon the condition that he continue in the service at the military post for six months longer, which he did. Dr. Lane's long residence at Bellefontaine, and his intimate business and social relations with the most eminent and distinguished citizens of St. Louis, gave him a footing among the generous and warm-hearted people of the city and at once insured him a successful and lucrative practice in his profession. He soon formed a partnership with Dr. Samuel Merry, a most eminent physician and practitioner, with whom he continued his professional relations for about five years.

In the year 1821, Dr. Lane was appointed aide-de-camp to Governor Alexander McNair, with the rank of colonel; a position which he held until February 1, 1822, when he was made quartermaster-general of the state of Missouri. This office he held until the fifth day of April, 1823, when he was elected by the citizens of St. Louis as the first mayor. The salary was small and the duties most arduous.

In assuming the position conferred upon him, he issued a most able and remarkable message to the board of aldermen upon the various subjects claiming the attention of the municipal government. The establishment of a board of health, the proper surveys and designation of streets and their grading, in fact the entire scope of duties conferred upon the city government, were embraced in this message. On the subject of schools he used this language: "I will hazard the broad assertion that a free school is more needed here than in any town of the same magnitude in the Union." And again, when speaking of the necessity of the improvements to be made in the city, he used this prophetic language, which time has verified: "The fortunes of the inhabitants of this city may fluctuate, you and I may sink into oblivion and our families become extinct, but the progress of our city is morally certain; the causes of its prosperity are inscribed upon the very face of the earth, and are as permanent as the foundations of the soil and the sources of the Mississippi. These matters are not brought to your recollection for the mere purpose of eulogy, but that a suitable system of improvements may always be kept in view, that the rising of the infant city may correspond with the expectations of such a mighty futurity."

The city government was fully organized by the election of Archibald Gamble, president of the board of aldermen; Mackay Wherry, register, and Sullivan Blood, constable. So that the infant city of St. Louis, on the fourteenth day of April, 1823 when the municipal government had been fully organized, started upon the career of greatness which had then been predicted for her by those who laid the foundations for her wealth, fame and prosperity.

Dr. Lane was elected nine times mayor of the city of St. Louis; eight regular terms, and once to fill a vacancy for a few months, when John F. Darby had resigned the office.

In the year 1826, Dr. Lane was elected and served as a member of the house of representatives of the state. He was elected as a Jackson man and a democrat, and such was his popularity with the dominant party that he was offered, and could, at any time, have been elected to the United States senate over Colonel Thomas H. Benton, who was at that session re-elected for the second time. But Dr. Lane positively declined the distinguished position. In the winter of the year 1827-8 he announced himself as a democratic candidate for congress (the entire state having only one member),

in opposition to Edward Bates, the then Whig member from Missouri. Spencer Pettis, who was afterward killed in a duel with Major Thomas Biddle, had also announced himself as a democratic candidate. The candidacy of two democrats not being desirable, as sure to elect the Whig candidate, it was determined to refer the matter to Thomas H. Benton, as the political friend of Dr. William Carr Lane, and John M. Bass, the political friend of Spencer Pettis. The referees met and decided in favor of Spencer Pettis as the candidate and he was elected over Edward Bates. Afterward, William Carr Lane became displeas'd with General Jackson's political course, and attached himself to the Whig party, with which he continued to act for the remainder of his life, and by which he was elected to positions of honor and distinction whenever he sought political position or office.

In this presentation it is not possible to enter into all the details of Dr. Lane's very busy career. It is sufficient to say that his private enterprises were many and his successful engagements and connections with some of the most skillful and eminent men of the medical profession were numerous.

In 1832, when the Blackhawk war came on, he was appointed by General Atkinson surgeon for the troops under his command and served in that capacity during the entire campaign.

In the year 1852, through the assistance of John F. Darby, then the Whig representative in Congress from the St. Louis district, of Edward Bates, and of some other warm friends in St. Louis, he was appointed governor of New Mexico by President Fillmore. The appointment came without solicitation on his part and there was no opposition from any quarter.

As Governor Calhoun, his immediate predecessor, had only recently died, Governor Lane was required to proceed immediately to his post of duty at Santa Fe. The territorial government was in the hands of the military authorities, and almost in a state of anarchy. The governor started from Washington, whither he had gone, and arrived in St. Louis on the twenty-fourth day of July, 1852, to find, as he said, his best friends as well as his family dissatisfied with his appointment, mainly on account of his age and the prospective difficulties of the task which he had assumed. But, with his customary decision of character, he had put his hand to the plough and did not intend to look back, confident in his administrative ability and self-reliance in the accomplishment of what was before him.

Governor Lane left St. Louis on the 31st day of July, 1852, and, as appears from his diary, after a short detention by sickness which overtook him on the plains, he arrived in Santa Fe on the 9th of September following, and was inaugurated on the 13th of the same month.

He had no sooner taken the executive office than he began to realize the difficulties of his position. He had naturally expected aid and support from the military authorities, but Col. Sumner, in command of the military department, retired to Albuquerque, taking with him all the troops with the exception of a small guard, two days before the governor's inauguration. Colonel Sumner took occasion also to reprove and reprimand Col. Brooks for firing a salute in the plaza when the ceremony of installing the governor was performed, saying that he (Colonel Sumner) "wished it to be distinctly understood that the civil government in New Mexico was not to depend in any way upon the military authority," and that he "wished Colonel Brooks to consider his forces only as a guard for the United States military stores."

Inasmuch as the civil government was in a measure without military force to sustain its power, without money, and almost in a state of anarchy; and as he (Colonel Sumner) had declared to the department at Washington that no civil government could be maintained in New Mexico, this present action and conduct of his seemed to be taken to verify his previous report, and might be considered almost insulting to the new governor.

Colonel Sumner also ordered the flag, the only emblem of the government there, and which had floated in the plaza since 1846, to be removed, and when Governor Lane courteously applied for the flag to Colonel Sumner, the latter replied that he "was not authorized by the government to furnish him with government stores."

This led to a spicy correspondence between the parties, which came very near resulting in a duel. During the military occupation there were a large number of prisoners fed from the government supplies and when these were withdrawn, by order of Colonel Sumner, the prisoners would have been left to starve had not the governor advanced the money out of his own personal funds.

The wretched condition of affairs in New Mexico at that day is somewhat illustrated by an extract from a letter written by Governor Lane to Colonel Sumner at the time, and which reads as follows: "Never was an executive officer in a more pitiable plight than I was at this time. I was an utter stranger to my official duties,

without having any competent, legal adviser, and with scarcely an official document on file to direct or assist my official actions; the secretary of the Territory was likewise lacking in experience in civil affairs; two of the Territorial judges and the attorney-general absent in the States, and one Indian agent and one acting agent only in the Territory; not a cent of money on hand, or known to be subject to the draft of the governor, superintendent of Indian affairs, or the secretary of the Territory; not a cent in the city, county or Territorial treasuries, and no credit for the country. There were no policemen and no constabulary force for either city or county, and even no police regulations for even the one or the other. The prefect of the county was in trouble and not on duty, and there was neither alcalde nor a guard in the city or the neighborhood; nor was there a single company of militia organized in the whole Territory, nor a single musket within the reach of a volunteer, should there be an offer of service by any one; and you, Colonel Sumner, must have been, from your official position, duly informed of these things."

Yet, with his characteristic energy and administrative ability, Governor Lane confronted all these difficulties and soon reduced things to order. He identified himself with the people, and gave them courage and confidence, and by his conduct drew to his support the most influential citizens. Even Colonel Sumner became his friend and supporter and restored the flag to its place in the plaza. In fact he became the most influential and popular governor that New Mexico, up to that time, had ever had, universally honored, beloved and respected.¹

Governor Lane, in his capacity of Indian agent or superintendent, inaugurated a policy of making gifts to the Indians, hoping in this manner to keep them quiet, this method having been in vogue during Spanish and Mexican times whenever possible. He made treaties with the Apaches, agreeing to give them rations for five years and other aid, provided they would work. Some of the Jicarillas in the northern part of the Territory were induced to live on farms in the vicinity of the Rio Puerco.

The Governor expended about twenty thousand dollars in the execution of this policy but it failed to receive the approval of the Washington authorities, and, when the supplies were cut off, the marauding Apache became worse than ever and roamed the country stealing and murdering wherever possible.

1. Scharf's *History of St. Louis*, Vol. II, p. 654. Edwards' *Great West*, p. 576. Darby's *Personal Recollections*, pp. 335-351.

The government at Washington seemed utterly incapable of taking proper measure of the situation in the newly acquired territories, but the failure to comprehend probably had its main support in the unsolved slave question which then was uppermost in the minds of political party representatives, hurling the country into civil war only seven years later.

As indicated in Governor Lane's *Journal*, he took the pains to visit a large portion of the settlements in New Mexico shortly after his arrival in Santa Fe. That he had been a close observer and student of conditions at that time obtaining in New Mexico is reflected in his first message to the Legislative Assembly, a copy of which, and the notes in Spanish made by Don Manuel Alvares, who translated the message into that language, are in the possession of the writer.

In his *Message*, the governor stated:

"During my short residence in this country I have visited six of the nine counties which compose the Territory; and I have endeavored, by every means within my reach, to gain some knowledge of the condition of the people.

"It cannot be denied that the first aspect of things in this Territory is discouraging.

"We are very distant from the States, difficult of access and surrounded by barbarians of doubtful faith. The face of the country is mountainous and of great elevation, with an appearance of sterility, from scarcity of water. The population, which does not exceed 60,000 souls, is widely scattered through distant valleys, over an area so immense that 20 companies of United States troops are insufficient for its protection against the Indians; and your own people are so badly armed that they cannot protect their own property from depredation. Agriculture and stock raising the two great interests of the Territory, are depressed, for the want of protection for flocks and herds. Your mines are nearly abandoned, and their products, (gold and silver excepted) will not bear the transportation.

"Your highways are in a bad condition and the schoolmaster (an indispensable functionary in popular government) is rarely seen amongst you.

"The country is run over with red and white thieves and robbers. Your prisons are insecure, and no appropriation has yet been made by congress for a territorial penitentiary. Your ancient ways

and usages (which were based upon the principles of civil law) have been substituted; and these imperfect laws are imperfectly administered.

“Your revenue laws are so defective, that sufficient funds are not provided for the ordinary purposes of government. There are sixteen communities of civilized Indians scattered through your settlements each governed by its own laws, administered after its own manner, and each claiming exemption from the operation of all civil regulations of the Territory—presenting the anomaly of an *“Imperium in Imperio,”* or rather a series of such anomalies.

“Business amongst you languishes and much discontent prevails; indeed, a feeling of insecurity and uncertainty about the future is felt by many persons. And to crown all, unreasonable jealousies and bickerings exist between the natives of the country and immigrants.

“These discouragements would be appalling were it not evident to every reflecting mind that all these difficulties are either temporary or removable by proper exertions. I consider the Territory to be now at its lowest point of depression; and feel assured that Providence has a brilliant future in store for her, if she will be faithful to her own interests.

“Let us now bring into view some of the sources from which public and private prosperity may be expected to flow. Your country is one of the very healthiest on the globe. Your agricultural products are various, your soil rewards your labor abundantly, and your tillable lands may be increased, perhaps, more than a thousand fold, by improved *acequias*² and by *tanques*³. Besides, at a cost within your reach, your *acequias* may be carried upon higher levels and enlarged into canals—thereby affording water for irrigation—water power for machinery and highways for commerce. The scarcity of water is more apparent than real; for excellent well-water has been invariably found in valleys at depths from fifteen to fifty feet; and, I am much mistaken, if good well-water cannot be procured at practicable depths, even upon the *Jornada del Muerto*⁴ and all the mesas including that extraordinary tableland—the *Llano Estacado*⁵. Our enterprising fellow citizen, Señor Don Jesus de Loya, is, unaided, making the experiment of an artesian well in the

2. Ditches for irrigation.

3. Reservoirs.

4. The highway leading near San Marcial south to Rincon.

5. Thousands of shallow and deep wells have been drilled and dug all over eastern New Mexico on the Llano in recent years.

vicinity of this City, and ought to be assisted in his enterprise by the Government; for, if his experiment should be successful, who can estimate the benefits from it to the whole Territory?

“Your facilities for stock-raising are unequalled; and a well-organized militia force will protect your stock from *red* thieves, and a penitentiary will rid you of *white* thieves. Your rich mines of gold, silver, copper, lead and iron, and your abundant supply of common salt, coal, gypsum, marble, nitre and soda only require time, capital and industry, with good roads, to make them available, as great sources of public and private wealth.

“From public and private necessity, this continent must soon be crossed, from east to west, by railroad and telegraph lines, and, in all probabilities, one or more of these railroads and telegraphic lines will traverse New Mexico. And when they do, what mighty changes will be the result! In the meantime caravansaries, or station-houses, a day’s journey apart, upon all the great roads leading to the Territory, would afford us a comparatively safe, cheap and rapid means of communication with neighboring States and Territories, with corresponding beneficial results. And, as for our crude laws and imperfect administration of them, our bad roads, our want of schools, and our difficulties with the Indians, time, perseverance, mutual forbearance, and the exercise of wisdom and justice will assuredly correct all these evils.

“Having thus taken a hasty glance at the actual and prospective state of things in this Territory, allow me to call the attention of the Legislative Assembly to some subjects which demand legislative action in order that the public good may be promoted.

“The whole body of laws of this Territory needs revision and amendment, besides extension into objects now unprovided for; but a task of so great magnitude cannot be well performed in the short space of 40 days, the time allotted to your session. To legislate hastily would be to legislate improvidently, and thus to add another chapter to the sad history of New Mexico legislation.

“All you can effect of good, at this time, will be to correct glaring defects in the existing laws, and to enact some new provisions, to enable officers who are charged with the execution of the laws, to discharge their respective duties with more advantage to the public.

“The criminal laws need your attention. The tardy execution of these laws, and the insecurity of the jails cause great expense to the counties, and afford ample opportunities for the escape of crim-

inals. For the remedy of these things, I suggest that the jurisdiction of the alcaldes' courts be extended so as to give them jurisdiction for the trial and punishment of all larcenies and all the disturbances of the peace. And that the notice for the holding of a special term of the circuit court for the trial of criminal cases may be reduced from 30 to 10 days at the discretion of the judge.

"From information derived from various sources, I am induced to believe that there have been instances in different parts of the Territory of gross neglect of official duty and of malfeasance in office. To correct this state of things legal provision should be made for the adequate punishment of all such offenders.

"I also respectfully suggest for your consideration, whether it would not be productive of a more prompt and efficient discharge of official duty, if authority were given to the executive to dismiss at his discretion all delinquent and unfaithful officers, from prefect and sheriff down to *alguacil*; and to fill the vacancies thus created, until the next session of the legislature, at which time a nomination for the remaining time (until the next general election) might be made to the legislative council.

"I recommend the repeal of the law which authorizes the licensing of gambling houses; and that the property of the poor shall be exempt from taxation, and also that the wearing apparel, and a certain amount of household property which is indispensable for the support of the family of the debtor shall be exempted from sale under execution for all debts that may hereafter be created.

"The English language is the language of all the departments of the government of the United States, and, in my opinion, ought to be the language in which the laws of the Territory should be enacted.

"But, as it may be considered a question of mere expediency, I leave the question whether the laws should be passed in English or Spanish to be decided by you alone. Adopt whichever language you please and I shall be content, but I protest, in advance, against the laws being passed, as heretofore, in duplicate.

"Gentlemen: In a late communication to the War Department, I have said that New Mexico was not so much a conquered province, as a community that had voluntarily annexed itself to the United States, that you had surrendered to the invading force without a gun being fired on either side, while the force was insufficient for conquest had not annexation been acceptable to you. I have also stated that you have been disappointed in your high ex-

pectations of advantage from annexation, and that the laws and legal usages which have been introduced from the States, are, in many particulars, unsuited to the present condition and that discontent is more or less prevalent.

"I did not speak of your great losses of property by Indian depredations, since the time of annexation, but I spoke of the present insecurity of property from Indian depredations, and I admitted that all the cases of discontent might, perchance, cause some disturbances of the peace in some particular places, but I expressed the confident opinion, that the great mass of the people were, and would continue to be, faithful to their allegiance to the United States under all trials; and that the idea of revolution ⁶ was a chimera of heated imaginations only. These opinions, I am persuaded, will be fully endorsed by you all.

"I also urge upon all to learn the English language and to adopt all the customs of the United States that are suitable and proper for their country; but I do not advise them to change any of their beneficial or praiseworthy customs, nor do I advise them to forget their parent stock and the proud recollections that cluster around Castilian history. I do not advise them to disuse their beautiful language—to lay aside their dignified manners and punctilious attention, the proprieties of social life. And I sincerely hope, that the proud deference that is now paid to parents by their children and the great respect paid to age by the young will undergo no change." ⁷

As will be seen by the entries in Governor Lane's *Journal*, in February, 1853, he left Santa Fe for a journey to El Paso. A controversy had arisen over the southern boundary line of the Territory in which the question of the proper national jurisdiction over the locality known as the Mesilla Valley was at stake—whether it was in Mexican or American territory. There was a great deal of popular feeling upon the subject in New Mexico, the citizens seeming determined not to give up the district in question.

Immediately preceding, and just after the war with Mexico, the Mexican population ⁸ occupying the eastern bank of the Rio Grande in Texas and New Mexico were constantly annoyed by the

6. During the last month of the stay of Governor Calhoun, Lane's predecessor, who died upon the Great Plains, en route to Independence, Mo., there was talk of revolution and Col. Sumner, in the absence of any governor, assumed the functions of that office as commander of the military department.

7. This message was read to the members of the Legislative Assembly in the Palace of the Governors on December 7, 1852.

8. Bartlett, J. R., *Personal Narrative*, pp. 212-214.

encroachments of the Americans, and by the determined efforts of the latter to despoil them of their landed property. This was done by the Americans either settling among them, or in some instances forcibly occupying their dwellings and cultivated areas. In most cases, however, it was done by putting 'Texas headrights' on their property. These were grants issued by the State of Texas, generally embracing 640 acres, or a mile square, though they sometimes covered very large tracts. They were issued to persons who had served in her wars, like our military land warrants, and also to original settlers.

With these land certificates, or 'head-rights' many Americans flocked to the Valley of the Rio Grande, and in repeated instances, located them on property which for a century or more had been in the quiet possession of the old Spanish colonists and their descendants. The latter, to avoid litigation, and sometimes in fear of their lives, abandoned their homes, and sought refuge on the Mexican side of the river. Doña Ana, on the eastern bank of the Rio Grande, a very desirable locality, and selected at this time for one of the governmental military posts, became an attractive spot for speculators and the lands in the vicinity were covered by the Texas land-warrants. Litigation commenced and applications were made for relief to the courts and authorities of New Mexico, Texas and to the United States. Failing to secure this relief was the cause for the removal to Mexico of large numbers of the inhabitants, who sought an asylum in Mexico. This situation and the question of title to the lands on the west side of the river were some of the reasons for Governor Lane's visit to the locality at the time indicated in his *Journal*.

From the time of his arrival in the Territory, in the summer of 1852, Governor Lane had been urged by New Mexico's delegate in congress, General Richard H. Weightman,⁹ to claim jurisdiction over the entire Mesilla district and to take possession of it by force.

For obvious reasons the governor declined to follow this advice but issued a proclamation claiming the country until the question of the boundary line between the United States and Mexico was settled and the line established. The claim of jurisdiction was resisted by military forces from the State of Chihuahua and in this action the Governor believed the Mexican authorities had been encouraged by certain officers in the United States army. Con-

9. *Gov. Doc.* 33rd Cong. 1st. Sess. H. R. No. 81.

fronted by this situation Lane thought it best to attempt to take the country by force of arms using New Mexicans and Texas volunteers, as he believed the invasion of the rights of his countrymen had been undisguised and scandalous.

The proclamation is a recital, in some respects, of claims and events of that period, and was as follows:

"Whereas, 1. A portion of the Territory on the west side of the Rio Grande del Norte, thirty-four miles wide by one hundred and seventy miles long, be the same more or less, is now claimed by the United States of America, and by the Mexican Republic, respectively, under the provisions of the Treaty of Guadalupe Hidalgo.

"2. From the year 1824 and anterior thereto until the year 1851, this portion of territory was acknowledged to be within the limits of New Mexico, but in the year 1851 the state of Chihuahua assumed jurisdiction over the same, without producing any authority for this act from the Republic of Mexico, and without having obtained the consent of the United States or the Territory of New Mexico, and in defiance of the remonstrance of a large portion of the inhabitants of the disputed territory who then numbered about two thousand souls.

"3. During the discussion of the boundary question, under the Treaty of Peace, the Commissioner of Mexico proposed to abandon a part of this disputed territory ¹⁰ by dividing it between the two Republics; and during the year 1852, the United States virtually asserted a right of sovereignty over all the territory in dispute.

"4. The claim of Chihuahua to this disputed territory is believed to be based upon the unwarrantable assumption that the Board of Commissioners had agreed upon a boundary line between Chihuahua and New Mexico and that their agreement in the premises was binding upon both the United States and the Mexican Republic, and, therefore, final; whereas, a valid agreement had not been made, and has not yet been made, by said board; and, moreover, the action of the board has been virtually repudiated and nullified by the United States.

"5. Each of the high contracting parties to the Treaty of Guadalupe *ex necessitate* tacitly reserved the right to accept or reject the decision of the Board of Boundary Commissioners; and if

10. At this time the plaza of Mesilla was located on the west bank of the Rio Grande, the river changing its course about 10 years later.

the Board had assigned the city of Chihuahua and the country north of it to the United States; or the city of Santa Fe and the country south of it to the Mexican Republic, the action of the Board would certainly not have been regarded as final.

“6. Ever since the territory in question was thus forcibly and illegally annexed to the state of Chihuahua, that state has signally failed to protect the inhabitants of the territory in their rights of persons or of property, or of conscience, and moreover has not made a reasonable defense against border Indian depredations, and, thereby, prevented reclamations against the United States.

7. The present revolutionary condition of the Mexican Republic precludes the hope of adequate protection being afforded by that republic to the inhabitants in this disputed territory for the time being; and a large portion of the inhabitants now claim the protection of the United States and solicit the re-annexation to New Mexico from which it was illegally wrested by the State of Chihuahua.

“Now therefore, as the United States has been wrongfully deprived of the portion of the territory, even should the Mexican Republic have a rightful claim to it, which is denied; and, as by the law of nations, the United States is justly entitled to exercise jurisdiction over the same and protect the inhabitants thereof in all their rights until the claim of the Mexican republic shall be fully recognized by the United States, and, as the probable time of the settlement of the boundary question is indefinitely postponed, and the interest of the United States and the rights of the inhabitants of the territory are inadequately protected, I, William Carr Lane, governor of the Territory of New Mexico (upon my own official responsibility and without orders from the cabinet at Washington) do hereby, in behalf of the United States, retake possession of the said disputed territory to be held provisionally by the United States until the question of boundary shall be determined by the United States and the Mexican Republic. And I do hereby require all civil and military officers of the United States and the Territory of New Mexico whom it may concern to execute the laws of the United States and of the Territory of New Mexico over the territory aforesaid, which is provisionally attached to and made a part of the county of Doña Ana, in the Territory of New Mexico.

“And to the end that there may be no misunderstanding on the part of the citizens of New Mexico as to the boundary line between the Territory of New Mexico and the State of Chihuahua,

the same and well known boundary between this state and territory as established by a decree of the Mexican congress of the 27th July, 1824, as delineated upon Disturnell's Treaty map, is hereby provisionally established; which boundary line has its initial point in the main channel of the Rio Grande above¹¹ the dam of the Acequia Madre across the Rio Grande and below Frontera eight miles more or less north of the town of El Paso. The said line to run from the Rio Grande and thence northwardly until it reaches the Rio Gila according to the provisions of the Treaty aforesaid.

"In Testimony whereof, I hereto subscribe my name, and cause the seal of the Territory to be affixed at the town of Doña Ana, the 13th day of March, A. D. 1853, and in the seventy-seventh year of the Independence of the United States.

(L.S.) WM. CARR LANE.

By the Governor, John Greiner, Secretary.

By Migl. A. Otero, Private Secretary."

Governor Lane, during his administration became convinced that he could best serve the people of New Mexico, not as their governor but in the congress of the United States, limited however might be his power as a delegate and not a full-fledged representative. He secured the nomination for delegate but was unsuccessful in the election, being defeated by a very few votes.

When Franklin Pierce was elected President, Governor Lane resigned his office and returned to St. Louis where he resided until his death, ten years later.

A complete biography of Governor Lane, while interesting in many particulars is impossible within the scope of this paper.

It is not too much to say, however, that to him more than any other individual is due the credit for planning and cementing the foundations of the present great city of St. Louis. He was a man of great foresight, comprehensive mind and unerring judgment. These qualities had much to do in the directing of the ground work of the great metropolis and its superstructure followed with as great certainty as does the edifice rise upon the foundations laid by the intelligent architect.

11. The exact location of the boundary line at this point between Texas and New Mexico is now being litigated.

He was not only a man of cultivated intellect, but possessed the warmest of hearts, and governed by the noblest, most laudable and generous impulses governing and influencing the actions of men. He was a man of commanding presence, over six feet tall and of most engaging personality. He was one of the great men of the State of Missouri and the West. ^{11a}

11a. The writer is indebted to Miss Stella Drum, Secretary of the Missouri Historical Society, for valuable assistance in compiling data for this sketch. Most all of the facts in relation to Gov. Lane's career in the army and at St. Louis having been taken from Darby's *Personal Recollections* and Scharf's *History of St. Louis*.

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