

NEW MEXICO.

MAY 19, 1876.—Recommended to the Committee on the Territories and ordered to be printed.

Mr. SOUTHARD, by order of the Committee on the Territories, and by unanimous consent, submitted (together with the views of the minority of the committee) the following

REPORT:

[To accompany bill S. 229.]

*The Committee on the Territories have had under consideration Senate bill No. 229, being an act to enable the people of New Mexico to form a constitution and State government, and for the admission of the said State into the Union on an equal footing with the original States; and a majority of that committee direct the following report:*

The United States acquired the Territory of New Mexico in 1848 by treaty with Mexico. The area of this Territory is about 120,000 square miles, and embraces the most varied character of soil and scenery. For the most part the Territory consists in extensive plains, not entirely suited to the purposes of agriculture, but affording the finest grazing capacity and facilities of any section in the Union. These plains are ample to subsist immense herds of sheep, cattle, and horses, and comprise the finest and most abundant resources for the business of stock-raising.

Along the water-courses rich and fertile valleys abound, susceptible of irrigation, and furnishing ample area for agricultural purposes necessary to render the Territory a fine producing section.

The mountains and cañons are rich in mineral wealth, and now furnish a field for industry and enterprise second to no area of equal dimensions in the United States.

The mildness and remarkable salubrity of the climate of New Mexico are proverbial, and in order to show the pure and even temperature of the atmosphere we refer to a condensed report of the Signal-Service station at Santa Fé for the year 1873:

Monthly mean of barometer—January .....	29.77
“ “ “ “ February .....	29.73
“ “ “ “ March .....	29.73
“ “ “ “ April .....	29.72
“ “ “ “ May .....	29.85
“ “ “ “ June .....	29.88
“ “ “ “ July .....	29.92
“ “ “ “ August .....	29.97
“ “ “ “ September .....	29.91
“ “ “ “ October .....	29.90
“ “ “ “ November .....	29.83
“ “ “ “ December .....	29.78
Yearly “ “ “ “ 1873 .....	29.83

Monthly mean of thermometer—	January.....	27°
“ “ “ “	February.....	34°
“ “ “ “	March.....	38°
“ “ “ “	April.....	45°
“ “ “ “	May.....	58°
“ “ “ “	June.....	66°
“ “ “ “	July.....	67°
“ “ “ “	August.....	87°
“ “ “ “	September.....	60°
“ “ “ “	October.....	49°
“ “ “ “	November.....	33°
“ “ “ “	December.....	32°
Yearly “ “ “	1873.....	†49°
Monthly rain-fall in inches—	January.....	.34
“ “ “ “	February.....	.20
“ “ “ “	March.....	.13
“ “ “ “	April.....	.14
“ “ “ “	May.....	.45
“ “ “ “	June.....	2.44
“ “ “ “	July.....	2.62
“ “ “ “	August.....	2.98
“ “ “ “	September.....	.27
“ “ “ “	October.....	.25
“ “ “ “	November.....	.01
“ “ “ “	December.....	.04
Yearly “ “ “	1873.....	9.87

The highest observed temperature during the year was 88°; the lowest 5° below zero. The greatest single rain-fall was that of 1.21 inches, occurring on June 4.

It is said that on account of the aridness of the climate and the reported small rain-fall, the supply of water was too limited for agricultural purposes. The reports referred to are generally made in reference to valleys. The streams of New Mexico are not supplied with water from rain-falls, but mainly from the melting of snow in the mountain-ranges during the spring and summer months, and numerous springs all over the country. An abundance of water is thus supplied for irrigation and all other purposes.

In view of the natural resources of the Territory, and their present partial development, the capability of it to become a State where millions may live and prosper in the varied fields of industry which it presents, will not be questioned.

#### ITS AMERICAN HISTORY.

Our Army occupied this Territory in 1846, and from that time until 1850 the people were under a military government established by authority of the United States. In 1848 this Territory was formally ceded to the United States by Mexico, by the treaty of Guadalupe Hidalgo.

The first territorial government was established in 1850, and has been maintained over the Territory ever since, at annual costs to the Government of about \$35,000.

The people of New Mexico have, from time to time, presented their claims to admission into the Union as a State, arising upon the assurances of officers of the United States during military occupation of that country, and also upon the terms of the treaty of cession. The opinion very generally entertained by the population at the time of the annexation of this Territory to the United States was that this Government had placed itself under obligations to admit New Mexico as a State in the Union without delay. In this connection the majority of the committee refer to some of the acts and declarations of the authorities immediately before and after the treaty of cession.

General Kearney, and other officers of the Army, at the time of the occupation of this Territory, assured the people of New Mexico that if they consented to annexation to the United States, they would be at an early day admitted into the Union. These assurances contributed to the peaceable and bloodless transfer of that Territory. There was an almost universal desire among the people of New Mexico to become incorporated into the Union of the United States, in order to secure the blessings of our form of government.

The ninth article of the treaty is as follows :

Mexicans, who in the territories aforesaid shall not preserve the character of citizens of the Mexican Republic, conformably with what is stipulated in the preceding article, shall be incorporated into the Union of the United States, and be admitted at the proper time, to be judged by the Congress of the United States, to the enjoyment of all the rights of citizens of the United States, according to the principles of the Constitution. (U. S. Statutes, vol. 9.)

It will be observed that the terms of this provision of the treaty leave Congress to judge of the proper time when the Territory should be incorporated into the Union of the United States and admitted to all the rights of the States; but it is insisted, in view of the assurances of our officers pending the military occupation of this Territory, and the declarations of the authorities of this Government a short time after the execution of the treaty, that it would be unjust to the people of New Mexico to say that it was contemplated, at the time of the transfer of this Territory to the United States, by either of the parties to the treaty, that admission as a State would be indefinitely postponed and denied to the people of this Territory.

President Taylor, following the policy of his predecessor, Mr. Polk, held the following language in his message to Congress, in regard to the people of the Territories acquired from Mexico :

I did not hesitate to express to the people of those Territories my desire that each Territory should, if prepared to comply with the requirements of the Constitution of the United States, form a plan of a State constitution and submit the same to Congress, with a prayer for admission into the Union as a State.

In advising an early application by the people of these territories for admission as States, I was actuated principally by a desire to afford to the wisdom and patriotism of Congress the opportunity of avoiding occasions of bitter and angry discussions among the people of the United States. (See appendix to Congressional Globe, first session Thirty-first Congress.)

President Taylor also, in his annual message of 4th of December, 1849, said :

The people of New Mexico will also, it is believed, at no very distant period, present themselves for admission.

Mr. Buchanan, Secretary of State when the treaty was pending for ratification, and Mexico hesitated on account of the language of the ninth article, making Congress the judge as to the admission of this Territory into the Union, used the following language as an assurance and inducement to the republic of Mexico :

Congress, under all the circumstances, and under the treaties, are the sole judges of this proper time, because they, and they alone, under the Federal Constitution, have power to admit new States into the Union. That they will always exercise this power as soon as the condition of the inhabitants of any acquired territory may render it proper, cannot be doubted. By this means the Federal Treasury can alone be relieved from the expense of supporting territorial governments. Besides, Congress will never turn a deaf ear to a people anxious to enjoy the privilege of self-government. Their desire to become one of the States of this Union will be granted the moment it can be done with safety.

The people of New Mexico, acting upon the idea that by the treaty they were entitled to admission into the Union immediately after the

ratification of the treaty, held a convention and adopted a constitution and a memorial praying for such admission.

The foregoing references are sufficient to show the views entertained by all parties connected with the negotiations and treaty which resulted in the acquisition of this Territory.

Without reference to the alleged claims of New Mexico to admission into the Union as a State, arising from the provisions of the treaty, the majority of the committee submit the following :

#### POPULATION.

In 1850 the population of New Mexico was 61,540; in 1860 it was 93,516; in 1870, 91,874, apparently a decrease of 1,600. This decrease was caused by the organization of the Territory of Arizona, with about nine thousand of its population, and the annexation to Colorado of the northern portion of its territory, including a population of 15,000 of its people. Allowing for this loss of population, it will be seen that New Mexico increased fully 30 per cent. in population during the last census decade.

The average increase of twenty or more of the older States during the same period was only about 20 per cent. It should be borne in mind that during the period from 1860 to 1870, New Mexico was overrun by the confederate troops and was harassed with Indian wars. Many causes combined to render the census of this Territory in 1870 imperfect. If we add to the population, as returned by the census of 1870, 50 per cent. increase, it will be seen that the population of the Territory at the beginning of the present year was about 115,000. This is a severe calculation, and does not include what are known as the Pueblo or Village Indians, who number about 10,000, and who are industrious farmers and stock-raisers. It is proper to state here that those who are most familiar with the actual condition of the Territory place the estimate of population much higher, and the legislature of that Territory, in 1874 and 1876, undertake to show that the population is much greater than the number referred to. We call attention to the memorials of the legislature, which are as follows :

Your memorialists, the council and house of representatives of the legislative assembly of the Territory of New Mexico, would most respectfully represent that the Territory of New Mexico at this time, we believe, has a population of 135,000, aside from the Pueblos or Village Indians, who, from time immemorial, have been agriculturists, and among the best citizens of our Territory, and who now number little short of 10,000, making a total population of over 140,000 people, mostly a quiet, pastoral people, and as truly loyal to the Government under which they live as any people under the sun; that at the time of taking the last census there were in this Territory at least 10,000 people living in the many various mining-districts, remote from the mass of the settlements, and residing on the extreme borders of this Territory, who could not be reached by the census-officers without great danger and risk, and were for that reason not included in the census; and that since said census was taken a very large immigration has come into this Territory from the States and European countries, amounting to at least 20,000, who have settled permanently in our Territory, bringing with them capital and means; that this new population is dispersed very generally throughout the Territory, but will be found mostly in the mining-regions, which are fast becoming developed. We believe that, outside of the native Mexican population of this Territory, there are at least 40,000 people of American and European descent among us who are permanent residents.

The following is an extract from the memorial of the present legislature of New Mexico, passed January 14, 1876 :

Your memorialists are confident that New Mexico possesses more than the requisite population, with abundant means and resources to entitle her to admission as a State; that although, immediately after the taking of the census of 1860, two-thirds of the area and one-third of the population of New Mexico were cut off from her for the pur-

pose of organizing Colorado and Arizona, yet, notwithstanding that a constant Indian war was being carried on within her borders, she entirely regained her population and more than doubled her wealth by the time of the taking of the census of 1870, showing an increase, under adverse circumstances, greater than the average of the States of the Union; and that, during the last five years, since the taking of the last census, owing to the fact that peace from Indian hostilities has reigned in New Mexico, her population has increased more than fifty per cent., and her material wealth advanced three-fold. Her lands are fast being explored and occupied by the very best of citizens from all portions of the Union and Europe.

The vote for Delegate in 1873 was about 17,000. The evidence at hand shows that this was not a full vote. There was no contest, and consequently many did not vote, and at many precincts the polls were not opened at all. This vote is not, therefore, regarded as a correct estimate of the voting population.

We append hereto a table showing the votes cast by several States after admission, to show that it would be unjust to New Mexico to estimate its population by the vote cast for Delegate in 1873.

The table is as follows:

Louisiana was admitted in 1812, and at an election for governor in 1820 there were cast 4,748 votes.

Indiana admitted December 11, 1816, and at an election in that year she cast 6,789 votes.

Mississippi admitted December 10, 1817, and in 1822 she cast 7,875 votes.

Illinois admitted December 3, 1818, and cast 7,465 votes.

Arkansas admitted in 1836; at the presidential election in that year she cast 3,638 votes.

Michigan admitted in 1836, and cast in that year 11,360 votes.

Florida admitted in 1845, and cast in that year 5,301 votes.

Iowa admitted to 1846, and elected two members to the House, and cast 13,271 votes.

Fifteen States have been admitted into the Union with a less population than New Mexico had in 1870, as shown by the following table:

	Date of admission.	Population.
Vermont.....	1791	85,339
Kentucky.....	1792	73,077
Tennessee.....	1796	77,202
Ohio.....	1802	41,915
Louisiana, (largely foreign).....	1812	76,556
Indiana.....	1816	63,805
Mississippi.....	1817	75,512
Illinois.....	1818	34,620
Missouri.....	1821	66,586
Arkansas.....	1836	52,240
Florida.....	1845	54,447
Iowa.....	1846	81,920
Oregon.....	1849	52,465
Nevada.....	1864	40,000
Nebraska.....	1866	60,000

By reference to the table below, it will be seen that four States have been admitted into the Union with a population less than the ratio of representation.

	Date of admission.	Population.
Florida.....	1845	54,447
Oregon.....	1849	52,465
Nevada.....	1864	40,000
Nebraska.....	1866	60,000

## CHARACTER OF THE POPULATION.

New Mexico, while a part of the Mexican Empire, was neglected by that government and deprived of the means and opportunities for social or material advancement. Remote from the seat of power, it only realized its influence in the presence of revenue and recruiting officers and the vicissitudes incident to oft-recurring revolutions. Industry was paralyzed and the resources of the people constantly consumed in the losses attendant upon the turbulent and chaotic state of the government. There was no time for social or intellectual improvement, and no inducement to amass wealth, build up industries, extend the area of agriculture, or enter into those industrial pursuits which tend to make States and Territories great and influential. The gains and results of one year of toil and industry were consumed by the rapacity of official violence during the next.

Such was the condition of this people when the Territory was annexed to the United States. Notwithstanding the unfavorable circumstances which have surrounded the people of this Territory, since then their advancement in all that tends to make a people happy, prosperous, and great is remarkable and commendable. In estimating the disposition and capacity of that population to support and maintain a State government, and to cultivate those virtues and industries which make States respectable, due allowance should be made for supposed short-comings in the past. Between 1850 and 1860, the people of New Mexico were harassed by wasting Indian wars. From 1861 until 1865, the Territory was overrun by the Confederate troops, and the resources of the Territory to a great extent consumed in the losses and contributions incident to a state of war. No railroad penetrates the Territory, and therefore its increase in population and wealth is not due to the causes which have facilitated the settlement of other sections. It is remote from the seat of government, and has been required to meet and resist all those demoralizing and lawless influences which attend the border of civilization. It is therefore remarkable that this Territory presents itself for admission now with a population of not less than 125,000, after yielding up 25,000 of its population to Arizona and Colorado; with comparatively a small public debt; with resources already developed ample to support a State government, and with a population noted for industry, love of order and law, and sincerely devoted to the principles of the Government.

The Mexican population largely exceeds in number the American, but it may be said with simple justice that "they are kind, hospitable, industrious, tractable, and law-abiding, and will compare favorably with many who have enjoyed greater advantages in life."

## EDUCATION.

The people of New Mexico have not, until within a few years past, manifested a proper disposition to support a system of public schools adequate to bring within the reach of its scholastic population the advantages and benefits of education.

Since 1870 increased attention has been paid to this subject, and the rapid advancement in the number of schools and the increase of means to support them give encouragement to the opinion that in a few years the whole scholastic population will be supplied with the means and opportunity to secure the benefits of education. We give below a table showing the number of schools, &c., in 1873 and those of 1870. The

marked increase in the number of schools and pupils in 1873 over 1870, as shown by this table, is most encouraging.

Since 1873 a relative increase in the number of schools is observed, and it is believed that the advancement will continue until the system will be adequate to meet all requirements.

Schools.	No. of schools.	Pupils.	Teachers.	Average No. of months taught.	Average wages of teachers.	Languages taught.*	Funds.
Public schools supported by taxation.	133	5,625	136	6½	\$28 69	{ 10 E. 111 S. 12 E. S.	} \$29,721 57 27,100 00 4,000 00
Private schools.....	26	1,370	53	9	.....	{ 7 E. 19 E. S.	
Pueblo schools.....	5	107	7	6	.....	E.	
Total.....	164	7,102	196	.....	.....	.....	60,821 57
Census returns, 1870, public and private schools.....	44	1,798	72	.....	.....	.....	29,886 00
Increase for 1873.....	120	5,304	134	.....	.....	.....	30,935 57

\* E stands for English and S for Spanish.

BUSINESS.

We annex below a table which shows with reasonable accuracy a fair estimate of the business of the Territory for the past year, and its wealth in stock in 1870, and the increase thereof since that time:

Product in gold, silver, and copper.....	\$2,500,000
Cereals.....	3,000,000
Sale of stock.....	1,500,000
Wool and hides.....	2,000,000

The census of 1870 shows—

Number of sheep.....	619,438
Horses.....	26,500
Cattle on farms.....	57,534
Cattle on range.....	128,767

It is now estimated that the Territory has, as the result of immigration and of natural increase since 1870—

Of sheep.....	4,000,000
Horses.....	50,000
Cattle on farms.....	100,000
Cattle on range.....	250,000

Of the 77,000,000 acres of land in this Territory, about 40,000,000 are fine grazing-lands, admirably adapted to stock-raising.

The history of the country shows that population and business increase more surely and rapidly under a State than under a territorial government. The causes which produce such results are evident. Among them we refer to the settled and prevailing sentiment that there is a want of stability and effectiveness in territorial governments. This sentiment discourages immigration. The officers who are usually sent out to govern Territories are selected without reference to their fitness to discharge the duties of such positions. They have no feeling in common with the citizens of the Territory and are not identified in interest with them. There exists a want of effort to build up industries and to foster improvements, which tend to make a State desirable, prosperous, and strong.

We give below a table which demonstrates how rapidly Territories are filled with population after admission as States.

While a territorial government exists it is associated with the prevailing idea of a want of law, order, and complete protection to life and property. The formation of a Territory into a State gives strength and dignity to its institutions and invites population.

Tennessee admitted in 1796; population in 1790, 35,791; in 1800, 105,602.  
 Ohio admitted in 1802; population in 1800, 45,365; in 1810, 230,760.  
 Louisiana admitted in 1812; population in 1810, 76,556; in 1820, 153,407.  
 Indiana admitted in 1816; population in 1810, 24,520; in 1820, 147,178.  
 Mississippi admitted in 1817; population in 1810, 40,322; in 1820, 75,448.  
 Illinois admitted in 1818; population in 1810, 12,282; in 1820, 55,200.  
 Missouri admitted in 1821; population in 1820, 66,586; in 1830, 140,455.  
 Arkansas admitted in 1836; population in 1830, 43,388; in 1840, 97,674.  
 Michigan admitted in 1837; population in 1830, 31,639; in 1840, 212,267.  
 Florida admitted in 1845; population in 1840, 54,477; in 1850, 87,445.  
 Wisconsin admitted in 1848; population in 1840, 30,495; in 1850, 305,391.  
 Iowa admitted in 1848; population in 1840, 43,112; in 1850, 192,214.  
 California admitted in 1850; population in 1850, 92,597.  
 Minnesota admitted in 1858; population in 1850, 6,077; in 1860, 173,855.  
 Oregon admitted in 1859; population in 1850, 13,294; in 1860, 52,465.  
 Nevada admitted in 1864; population in 1860, 6,857; in 1870, 42,491.  
 Nebraska admitted in 1867; population in 1860, 28,841; in 1870, 122,993.

The majority of the committee, in view of all the circumstances, believe that New Mexico should be admitted as a State in the Union in accordance with the provisions of the Senate bill, as amended by the Committee on the Territories.

The majority of the committee instruct me to report the Senate bill to the House and recommend its passage as amended by the committee.

D. B. CULBERSON.