

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 15, 1876.—Ordered to be printed.

Mr. HITCHCOCK submitted the following

REPORT:

[To accompany bill S. 229.]

The Committee on Territories, to whom was referred the bill (S. 229) 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, having had the same under consideration, submit the following report:

New Mexico was ceded to the United States by the treaty of Guadalupe Hidalgo, and was organized as a Territory by act of Congress approved September 9, 1850. It has an area of 121,201 square miles, or 77,000,000 acres, larger than all New England and New York, and more than one hundred times larger than some of the smaller States of the Union. As a grazing and stock country it is unsurpassed, the grasses being very nutritious and the climate mild. The stock are never fed or housed, and vast herds of sheep and cattle are reared at little expense. The river-valleys are rich. Grapes, producing excellent wine, grow in abundance. Wheat, too, is excellent. Four lines of railway are now progressing toward New Mexico. Two are transcontinental, and two will terminate within the Territory. The Denver and Rio Grande Railway is graded to a point near the northern boundary of New Mexico, and will be in operation to this point by the middle of May. Negotiations are being made to extend this line immediately to the central portion of the Territory, and this extension will probably be completed before the State can be admitted under the operation of the enabling act now under consideration. The Kansas Pacific is within about sixty miles, and the Atchison, Topeka and Santa Fé Railway about ninety miles from the eastern boundary of New Mexico. Nearly two hundred miles of railway pointing toward New Mexico have been constructed within the past year, notwithstanding the depression in the money market.

In 1850 the population of New Mexico was 61,547; in 1860 it was 93,516; in 1870, 91,874, apparently a decrease of 1,600; but this decrease was caused by the organization of Arizona, with some nine thousand of her population, and the annexation to Colorado of the northern portion of her territory, including a population of about 15,000 of her people. Allowing for these losses of territory and population, New Mexico, as at present organized, is shown by the census of 1870 to have increased fully thirty per cent. in population during the last decade.

The memorial of the legislative assembly of New Mexico, asking for

admission as a State, passed January 12, 1874, uses this language in regard to population:

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 purpose 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 threefold. Her lands are fast being explored and occupied by the very best of citizens from all portions of the Union and Europe.

Fifteen States have been admitted into the Union with a less population than New Mexico had even 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

No less than four States have been admitted without the required ratio, as follows:

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

New Mexico having more population than either of these States at the date of their admission.

The history of the country shows that population and business increase more rapidly under a State than under a territorial government.

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, 76,566; in 1820, 153,407.

Indiana, admitted in 1816; population in 1810, 24,520; in 1820, 147,178.

Mississippi, admitted in 1817; population in 1810, 40,352; 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, 97,574.

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, 30,945; 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 following is believed to be a fair estimate of the business of the Territory for the past year:

Product in gold, silver, and copper.....	\$2,500,000
Cereals	3,000,000
Sales of stock	1,500,000
Wool	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 the Territory, about 40,000,000 are fine grazing-lands, admirably adapted to stock-raising.

EDUCATION.

In 1871 the legislature established a common-school system and appropriated more than one-fourth of all taxes to its support. In 1873 there had been established throughout the Territory 133 public schools, besides many private and high schools. The population of New Mexico is fixed and permanent; nearly all are producers. In five years, notwithstanding the panic, a failure has not occurred. The Territory has never received any aid toward building a railway or in support of any public improvement. Her wealth has been created by her own people—created, too, in the face of the most adverse circumstances, having, prior to 1870, been constantly harassed by Indian wars.

The vote for Delegate in 1873 was about 17,000. This was not a full vote, owing to the fact that the contest was not spirited, many precincts failing to vote at all. In the last election the vote was smaller than for years, there being really no contest, yet her vote at that time equaled the average vote of the State of Rhode Island, now represented in the House of Representatives by two members, and largely exceeded the vote of many congressional districts in the Union.

The committee deem the above reasons sufficient to entitle New Mexico to admission, and they also believe that the duty of our Government to admit her is made more imperative by reason of the obligations of the treaty by which the United States acquired New Mexico, the ninth article of which 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.)

Previous to the ratification of this treaty it is an undisputed fact that the people of New Mexico were led to believe, by our officers sent among them, that if they consented to annexation to the United States, they would be admitted into the Union.

President Taylor, who followed the policy of President Polk, in avowing his action in a message to Congress, said :

I did not hesitate to express to the people of these 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.

And he again said :

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.)

This was in accordance with the promise of General Kearny and other officers sent to New Mexico.

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.

Acting upon the idea that by the treaty they were entitled to admission into the Union, the people of New Mexico, immediately after its ratification, held a State convention and adopted a memorial praying for such admission. The committee are of opinion, in view of the treaty stipulations and the official assurances preceding and leading to its ratification, that the people of New Mexico are entitled to the same treatment at the hands of Congress as the people of other Territories not acquired by said treaty, and that no discrimination can rightfully be made against them.

New Mexico has been a Territory about twenty-five years. During that time five States have been admitted, namely, Oregon, Kansas, Nevada, Nebraska, and Colorado, each having less population than New Mexico had at the dates of their admission, respectively. At the last session of the territorial legislature, in the memorial adopted asking admission, the following language occurs:

Your memorialists do not believe it can be the purpose of a great Government, such as ours, to disregard the solemn obligations of a treaty, or reject or treat with contempt the reasonable claims and demands of the people of New Mexico.

Therefore, your memorialists most earnestly insist that the time has come when justice and right demand, and the exercise of a sound discretion requires, that the people of New Mexico should be admitted to the enjoyment of all rights of citizens of the United States, according to the principles of the Constitution; they therefore, in behalf of the people of New Mexico, protest against any further discrimination and distinction against them and in favor of other Territories, and ask that this their claim may be heard and justice accorded to this Territory and her people by an admission of New Mexico into the Union as a sovereign State.

During the last Congress, an enabling act, of which the one now under consideration is almost an exact copy, passed the House by a two-thirds vote; passed the Senate also by a like vote, receiving, however, an amendment, which prevented it at the last hours of the session from receiving the two-thirds vote necessary at that period of the session to secure its passage.

Upon a careful examination into the present condition of the Territory in respect to its population, resources, wealth, and capacity to support a State government, and fairly considering the obligations imposed upon the United States by the treaty aforesaid, the committee believe New Mexico should be admitted as a State without further delay.