History of the New Mexico & Arizona Territories: Protection from Indians with a splash of Confederacy

1861 Map of the Southwest by Alvin Johnson

By David A. Swanson
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Introduction

The people of the Territory of New Mexico saw quite a bit of action and change from the territory’s inception in 1850 until 1862. Action took the form of fighting with Indians, the U.S. Congress, and Confederate forces from Texas. Changes, in the form of territorial boundaries and names such as the Gadsden Purchase, Confederate Territory of Arizona, and the U.S. Territory of Arizona.

Read about these changes and how the strong desire of some Southern U.S. leaders for a southern transcontinental railroad route affected the Gadsden Purchase land area. Without this area would there even have been a territory called Arizona?

Mexican-American War

The end of the Mexican—American War (1846-1848) saw Mexico lose 55% of its country to the U.S. with the signing of the Treaty of Guadalupe Hidalgo on February 2, 1848. The U.S. agreed to pay $15,000,000 for 525,000 square miles and further agreed to settle claims from U.S. citizens against Mexico for the sum of $3,000,000. The future states of California, Nevada and Utah along with parts of New Mexico, Arizona, Colorado and Wyoming were obtained through this treaty. Additionally, the treaty forced Mexico to relinquish Texas (it had never formally recognized its independence or annexation by the U.S.) with the Rio Grande as the U.S./Mexico border. But border tensions continued for six years, since an inaccurate U.S. map was used in the treaty and both countries claimed an area called the Mesilla Valley. The map showed El Paso 30 miles north and 100 miles east of its actual location (a 3,000 square mile error which eventually led to the U.S. obtaining almost 30,000 square miles). If that wasn’t enough, one of the treaty articles, as History.com points out . . . “also made the U.S. responsible for restraining marauding Indians on the frontier; this article had not been enforced, and Mexico claimed millions of dollars in damages.”

By the provisions of this treaty, the U.S. increased its current land area by nearly 25%, but the hot button topic of slavery in the territories had already stared to polarize the nation and Congress.

Territory of New Mexico established

On September 9, 1850, the U. S. government officially established the Territory of New Mexico that included the current state of New Mexico, and parts of the current states of Arizona and Colorado. Santa Fe was established as the capitol in 1851. The people of the territory would vote whether to permit slavery under its proposed constitution at statehood. (It eventually became our 47th state on January 6, 1912.)

The Gadsden Purchase—and the Southern Railroad

In the 1850’s there were no less than three transcontinental railroad schemes in the U.S., some with a northern road, some with a southern road. But in 1853 one of these railroad schemes, the Atlantic & Pacific Railroad Company, involved a New York Corporation with aggressive Southern backing. As Allan Nevins points out in ORDEAL OF THE UNION: A House Dividing 1852-1857 pages 83-84:

. . . The company was to be allowed to select its own route, and everybody knew that the Memphis-Little Rock-Fulton-El Paso-San Diego line was contemplated.

. . . Its speculative nature, aroma of corruption, and ultra-Southern character raised up numerous enemies. Many believed that is was secretly involved with schemes of filibustering and Southern expansion. It was well known that Secretary [of War] Jefferson Davis favored the southernmost route, and had been chiefly instrumental in getting [President Franklin] Pierce and [Secretary of
State William L] Marcy to undertake the Gadsden Purchase to furnish a direct line along the Gila Valley.

In 1853 Congress authorized Secretary of War Jefferson Davis to expend funds in the surveying of possible railroad routes to the Pacific. Four expeditions were fitted out with various east/west schemes but it was the fourth one, the New Orleans to San Diego route that Davis favored. As Nevins points out on page 85:

... and a fourth... through Texas and along the Gila, following the general line of the thirty-second parallel. Secretary Davis of course tacitly favored the last-named [New Orleans-San Diego], partly because it would benefit the South, partly because he had an exaggerated idea of the barrenness of the “arid” belt so long denominated the Great American Desert, partly because it would cross the mountains easily and be least impeded by snow. Then, too, it alone would have the benefit of a continuous belt of organized States and Territories, Texas, New Mexico, and California, though which to run.

In 1853, as the Guadalupe Hidalgo boundary dispute simmered, Mexican officials evicted Americans from the disputed area in the Mesilla Valley region (the New Mexico area about 40 miles just slightly north and west of El Paso). The American government did nothing about this and finally New Mexico Territorial Gov William Lane declared the area part of New Mexico. Mexican President Santa Anna responded by sending in troops and in an effort to diffuse the tensions, President Franklin Pierce sent John Gadsden, the new U.S. Minister to Mexico to negotiate with him.

John Gadsden? How did a Southern slave trader get this appointment? Nevis, on page 378 writes about Gadsden’s appointment as the minister to Mexico and Secretary of War Davis’s influence on the president:

... The weak President [Pierce], dominated by Jefferson Davis and Caleb Cushing, continually interfered with State Department affairs. Even a stronger personality than the fast-aging, decrepit [Secretary of State] Marcy would have found it impossible to withstand such pressure. When Gadsden was appointed minister to Mexico it was at Davis’s instance, and Davis informed Gadsden of the appointment before he heard of it from Marcy.

Anyway, Santa Anna was running a little short of cash (governmentally and personally—he ended up squandering about $7,000,000 out of the final payment and ended up in exile in the Caribbean—but that is another story) and approved the initial deal of $15,000,000 for 45,000 square miles as Nevis explains on pages 61-62:

... As the year closed he [Santa Anna] and Gadsden signed a treaty which gave the United States a broad strip south of the Gila for fifteen millions. An indignant Senate minority attacked the treaty as a scheme promoted by greedy slaveholders and railroad speculators... In the end, however, the treaty was ratified after some boundary alterations which made the area ceded about 45,535 square miles. Time disclosed the values in the land... but the immediate milk in the coconut was an improved route for a southern railroad to the Pacific. Gadsden, much disappointed that he failed to gain room for a port on the Gulf of California, felt the South had missed an opportunity...and wrote the Charleston Courier that it had gained something but not enough.
In his paper, *A RAY OF LIGHT ON THE GADSDEN TREATY* contained in the 1920 Texas State Historical Society’s publication, *The Southwestern Historical Quarterly*, J. Fred Ripley on pages 237-238 sheds some light about the negotiations with his translation of Santa Anna’s address to the people of Mexico during his exile in the Caribbean (which occurred soon after the treaty). Keeping the character of Santa Anna in mind, the information is nonetheless interesting. Santa Anna talked about the boundary dispute and its history and relates that the substance of several conferences with Gadsden was essentially: “that the land comprehended within the boundary marked by their engineers was absolutely necessary to the United States for the construction of a railroad to Alta California [today’s California and part of Nevada] which would assure them of an easy and rapid communication with this state, and, therefore he would be pleased if Mexico would cede peaceably and for a good indemnity that which possibly did belong to her; for in the end that imperious necessity would compel them to occupy it in one way or another.”

Finally in 1854 the U. S. Senate revised and ratified the treaty with a payment of $10,000,000 for 29,670 square miles of the land. The Gadsden Purchase was then officially annexed to the Territory of New Mexico.

Attempts to form the Territory of Arizona and protection from Indians

Most of the population of the Territory of New Mexico was in the northeastern half and soon the people living in the Gadsden Purchase area felt that the government was not capable of providing the services they wanted or needed (little things—like protection from Indians).

From 1856 through 1859, attempts were made to have Congress recognize the region known as “Arizona” as a separate territory from New Mexico but all failed. Initially this had everything to do with the low population of the area but this eventually changed to the issue of slavery.

Thomas E. Farish (Arizona State Historian from 1912 until his death in 1919) published eight volumes of his *History of Arizona* from 1915 to 1918. These volumes are rich with Arizona history and the following regarding the attempts at formation of the territory is taken from Volume I, chapter XIX, pages 322-326:

Tucson was the most populous town in Arizona, but was without any civil government, Arizona, at that time, being a portion of Dona Ana County, New Mexico, the county seat of which was several hundred miles distant. Being thus left without courts or judicial or civil officers, the (Continued on page 4)
necessity for a separate territorial government was urgent. In 1854, New Mexico memorialized Congress for the organization of the territory of Arizona. There were three names suggested, namely Pimeria, Gadsonia and Arizona. The latter was adopted because it was supposed to be the most euphonious. Nothing was done by Congress in reference to this memorial.

Futile attempts were also made by a few citizens of Arizona to have Congress organize a territorial government, the first of which was in 1856, shortly after the United States had taken formal possession of the territory. On August 29th, 1856, a mass meeting or convention was held in Tucson, that being then the most important point in Arizona, there being, at that time, no settlements north of the Gila River, and one Nathan P. Cook was chosen as delegate to Congress, but he was not admitted to a seat. His credentials were presented to the House of Representatives in 1857, referred to the Territorial Committee, which reported them back adversely, and also reported adversely to a territorial government because of the sparse population of Arizona at that time. The Committee, however, called attention to the unfortunate condition of the people, without any recognized government, and recommended that a bill be passed organizing a judicial district south of the Gila River, the appointment of a surveyor-general, and the providing of representation at Santa Fe, New Mexico, as well as for the registration of land claims and mining titles. In February, 1857, such a bill was passed by the United States Senate, but was not reached in the House of Representatives before final adjournment. In his message in 1857, President Buchanan recommended a territorial government for Arizona, and Senator Gwin, in December, 1857, introduced a bill to organize such a government for the Gadsden Purchase, under the name of Arizona.

In February, 1858, the Legislature of New Mexico passed resolutions in favor of this measure, but recommended a boundary line north and south on the meridian of 109° west from Greenwich, and the removal of all New Mexican Indians to Northern Arizona. Evidently New Mexico had but little use for the Apaches, and was willing that the entire northern part of Arizona should be set aside as a military reservation upon which these savages could be herded. Petitions went up from different States and communities, favoring the organization of Arizona into a separate territory.

In September, 1857, the people of Arizona had gotten up a new petition, and, in an election held at Tucson, Sylvester Mowry was chosen Delegate to Congress. Mowry was not admitted to a seat in Congress, and the bill of Senator Gwin for territorial organization, failed of its passage. Under this bill, the northern line for the Territory of Arizona extended north to 33° 45', and included all southern New Mexico up to the parallel through to the western line of Texas. In 1860 Mowry got out a map of this Arizona, dividing it into four counties, not, however, attaching to them the names by which they are now designated. On the west, what is now known as Yuma County, was called Castle Dome County; Pima County was called Ewell County, and extended east to the western base of the Chiricahua range of mountains, at Apache Pass. Mesilla County extended eastward to the Rio Grande, and Dona Ana County eastward to the line of Texas. The remainder of what is now embraced in Arizona north of 33° 45', was left to New Mexico, and to the savages inhabiting that wilderness.

If this bill had passed it would have been a very expensive affair, the territorial limits extending from Yuma to the border of Texas, a distance, I think, of something like six hundred or seven hundred miles. Evidently neither New Mexico nor Arizona wanted the Apaches. To use a modern vulgarism, the inhabitants of these two sections were willing to "pass the buck".

In 1858 and 1859 Congress was again memorialized, and Sylvester Mowry was again elected delegate, but no success attended the efforts of Arizona to secure a territorial organization.

In 1860 an unauthorized Constitutional Convention met in Tucson, which held its session from April 2nd to and including April 5th. It was composed of thirty-one delegates, who proceeded "to ordain and establish a provisional constitution to remain in force until Congress shall organize a Territorial Government, and no longer." This convention chose as Governor, Dr. L. S. Owings of (continued on page 5)
Mesilla, and three judicial district were created. Judges were to be appointed by the Governor, as were also a Lieutenant-Governor, an Attorney-General, and some other officials. A Legislature, consisting of nine senators, and eighteen representatives, was to be elected and convened upon the proclamation of the Governor. Measures were taken for organizing the militia, and a general election for county officers was called to be held in the month of May. The laws and codes of New Mexico were adopted. The proceedings of the convention, schedule and constitution, and the Governor's inaugural address, were printed in Tucson in what was, so far as known, the first book ever published in Arizona. . .

In 1859, another bill was introduced to organize the territory of Arizona, the name having been changed to Arizuma, presumably to satisfy some element in Congress. This bill was reported from the Committee of Territorials in 1860. There was much debate upon it, the most of it being in reference to the slavery question, and the bill, like its predecessors, failed of passage.

Confederate Territory of Arizona

Public sentiment in this unofficial but popularly called “Arizona Territory” (still, no more than a region within the New Mexico Territory) sided with the Confederacy and, as Farish points out in Volume II, chapter IV, page 83, that was not the sentiment for the territory as a whole.

It was generally supposed that public opinion among the natives of New Mexico favored negro slavery and that their sympathies were all with the secession movement, but when the test came it was found that the masses favored the Union cause, and five thousand or six thousand of troops, volunteers and militia, rallied to the support of the Union. They could not, however, be considered as ardent Unionists. This act was inspired more from hatred of the Texans who composed the Confederate invasion. Arizona was thought to be controlled entirely by Secessionists, and the Apaches, and Navajos, while not regarded as partisans of the South, yet it was thought they would be a potent factor in the defeat of the Union forces. Troops in the Territory of New Mexico were barely sufficient for defensive warfare against the Indians, besides there were military stores in New Mexican forts worthy of capture, to say nothing of the excellent opportunity for the display of Texan patriotism, for it was fully expected that Southern California and Colorado would rally to the Southern cause. It failed because the enterprise was entrusted to Texans alone, whose resources were limited, and New Mexican sympathy for the South and animosity for the National Government proved less potent than their Union proclivities, prejudice against African slavery, and hatred of Texas. California not only remained true to the Union, but sent a column of volunteer troops to drive the rebels out of Arizona; and Colorado, under energetic Union management, was able to control the strong Secession element within her border, and to send a regiment which struck the decisive blow in ridding her Southern neighbor of the invaders.

Confederate troops from Texas briefly occupied the southern area of the New Mexico Territory from July 1861 to July 1862. During this time they carved out their short-lived Confederate Territory of Arizona. Short lived in this case since the Confederates could not defend or hold it.

In March of 1861, an Ordinance of Secession was approved at a convention in Mesilla, New Mexico Territory, which called for the people in western “Arizona” to join them.

A second convention was held in Tucson, New Mexico Territory, and on March 28th the Mesilla convention was ratified. Farish writes about this in Volume II chapter IV pg 86:

In 1861 a convention was held in Tucson, which formally declared the territory of Arizona a part of the Confederacy, and in August of that year, Granville H. Oury, was elected delegate to the Southern Congress. Baylor, in his proclamation of August 1st, declared the territory of Arizona to

(Continued on page 6)
comprise all that part of New Mexico south of latitude 34°, and all offices under the laws of "the late United States" or of the territory, vacant, but all laws not inconsistent with those of the Confederate States, were continued in force. He made Mesilla the capital and organized a military government with himself as governor. This act of Baylor's was approved by the Confederate Congress, and Arizona was admitted as a part of the Confederacy, with Granville H. Oury as delegate.

In present day terms this is the northern boundary of Maricopa County as it extends from just north of Wickenburg west to the LaPaz county line. The east/west boundaries were between Texas and California.

Lieutenant Colonel John R. Baylor, along with the Second Regiment of Texas Mounted Rifles, had taken the Arizona Territory for the Confederacy in July of 1861 after the fall of Fort Fillmore near Mesilla and on August 1st took possession of the Territory of Arizona for the Confederate States of America.

Farish describes the Confederate governments actions in dealing with this new territory along with its judicial organization in Volume II chapter IV pages 94-97:

The Confederate Congress passed an Enabling Act for the Territory of Arizona, which was approved on January 18th, 1862. The limits of the Territory extended east and west along the Mexican border from the Colorado River to Texas, and followed the 34th parallel of latitude on the north. The seat of Government was fixed at Mesilla. The government organized by Col. Baylor was recognized. The Territory was divided into three Judicial Districts, the three judges of which could act as District Judges and Supreme Court judges in the Territory; probate judges and justices of the peace, the latter of whom were given jurisdiction in cases in which the amount was below one hundred dollars. Appeals could be taken to the Supreme Court of the Confederate States in all cases where the amount involved was over one thousand dollars. In any matter, however, in connection with slavery, an appeal could be taken to the Supreme Court of the Confederate States, without reference to the amount involved. Slavery was established as a permanent institution in the following language:

``The institution of slavery in said Territory shall receive all necessary protection, both from the Territorial Legislature and the Congress of the Confederate States.’’ The Pima and Maricopa Indians were protected in their property holdings.

The Executive power was vested in a Governor to be appointed by the President of the Confederate States, who was to hold office for six years and reside at the seat of government in the Territory, also a Secretary of said Territory who was also to hold office for six years.

The Legislative authority of the Territory was vested in the Governor and a Legislative Assembly, the Legislature to consist of a Council and House of Representatives, each to have thirteen members at its first session, to be increased thereafter by the Legislature as the population increased, but the whole number at no time to exceed thirty-nine.

The franchise was given to every free, white male inhabitant above the age of twenty-one years, who should be a resident of the Territory, but no officer, soldier, seaman or marine, or any other person in the Army or Navy of the Confederate States, or attached to troops in the service of the Confederate States, not being a citizen of the said Territory, was allowed to vote or hold office in said Territory.

This enabling act was a long instrument, covering almost every point, the principal thing, however, being that everywhere slavery was fully protected and established. It was to take effect (Continued on page 7)
upon the proclamation of the President, which was as follows:

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BY THE PRESIDENT OF THE CONFEDERATE STATES OF AMERICA:
PROCLAMATION
Whereas, an act of the Congress of the Confederate States of America entitled 'An act to organize the Territory of Arizona,' was approved by me on the 18th day of January, 1862; and whereas, it is therein declared that the provisions of the act are suspended until the President of the Confederate States shall issue his proclamation declaring the act to be in full force and operation, and shall proceed to appoint the officers therein provided to be appointed in and for said Territory:
Now, therefore, I, Jefferson Davis, President of the Confederate States of America, do issue this my proclamation declaring said "Act to organize the Territory of Arizona," to be in full force and operation, and that I have proceeded to appoint the officers therein provided to be appointed in and for said Territory.

Given under my hand and the seal of the Confederate States of America at Richmond, this fourteenth day of February, A. D. 1862.
By the President:
(Seal)
Jefferson Davis.
R. M. T. Hunter,
Secretary of State.
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There is no record that I have been able to find that the Confederate Government in Arizona was fully established. Granville H. Oury was recognized as a Delegate from Arizona Territory from January 18th, 1862, and admitted to his seat. The Territory was represented by Marcus H. McWillie, who was admitted March 11th, 1862. It does not appear whether the term of Mr. Oury had expired, or whether he had resigned. McWillie held his position until the close of the War.

The Confederate Territory of Arizona became official on February 14, 1862, but within five months all Confederate forces would be driven back into Texas from their territory and from the entire Territory of New Mexico.
The map on page 7 shows what the Territory of Arizona would have looked like if the U. S. government approved the 1860 Tucson Convention and what it did look like as the Confederate Territory of Arizona in 1861. Notice that both Mesilla and Tucson are in the Gadsden Purchase area. Both of these were the major population centers with the population in Mesilla at about 2,000 and Tucson with about 700.

In December 1864 and again in January 1865 Colonel and now Confederate Congressman John R. Baylor wanted the territory of Arizona retaken but apparently does not realize it is too little too late for his suggestion and the Confederacy as told by Farrish in Volume II chapter IV page 97:

December 21st, 1864, John R. Baylor, who had been elected to the Congress of the Confederate States, and had been admitted to his seat May 2nd, 1864, wrote a letter to the Secretary of War, urging that an expedition be sent into New Mexico and Arizona to recover those territories. He urged that by recapturing Arizona, a route would be opened into Southern California, and that from fifteen thousand to twenty thousand men could be raised in California and in Arizona and New Mexico for the Confederate cause. He also stated that quite a large number of men could be enlisted in Mexico. He insisted that that was the opportune time for making the effort. The proposition was submitted to the President of the Confederate States, and in his reply under date of January 5th, 1865, Jeff Davis said:

“The commanding general of the Trans-Mississippi Department could best judge of the propriety of detaching any portion of his command for the proposed expedition into New Mexico and Arizona. We can here decide that if a large force would be requisite that it would be impracticable to spare it. If it be possible to raise in Mexico and in New Mexico and Arizona a number of Southern refugees from California and elsewhere equal to the smallest number named, and who would organize themselves for service with our armies in the field, it would certainly invoke every feasible effort to accomplish such an end. Colonel Harrison thought that could be done and suggested the peculiar capacity of the Hon. Mr. Baylor for the service indicated—that of raising the force and putting it into service.”

January 24th, 1865, Col. Baylor again urged the Secretary of War for permission to fit out the expedition in Texas to invade New Mexico and Arizona. I make the following extract from his letter:

“Once in the Territories, which are now abundantly supplied with goods, enough property could be confiscated for the use of the Government to defray the expenses of the troops, and as the United States Government is now working numerous silver mines I see no reason why we might not control the same mines and make them yield a revenue for our purposes. Once in the Territories, which are now abundantly supplied with goods, enough property could be confiscated for the use of the Government to defray the expenses of the troops, and as the United States Government is now working numerous silver mines I see no reason why we might not control the same mines and make them yield a revenue for our purposes. [...] It will be remembered that there has been no attempt to recruit for our Government in this section of the country, and so strong is the Southern feeling in Southern California that the United States Government has never succeeded in enforcing the conscript law or draft there. The people, never having felt the ravages of war, are enthusiastic and would not hesitate to join us in this struggle for independence. Should you think proper to honor me with a commission for the enterprise I have suggested I can only say that I will, as I have ever done, serve my country with all the zeal and ability I possess.

At this time Grant was hammering Lee's dwindling army in front of Richmond; Sherman was driving before him the small force of Johnson on his victorious march from Atlanta to the sea; everything indicated the speedy collapse of the Confederate Government, so no action was taken in the matter, and it is surprising that Col. Baylor could not realize the fact that the Government at Richmond was rapidly nearing its downfall.
The U.S. Territory of Arizona—oyster supper and lame ducks

In March of 1862 another bill was introduced in the U. S. Congress for the creation of the federal Territory of Arizona. There was much debate about naming the new capital: the House proposed Tucson. Due to the recent events in southern New Mexico, the Senate didn’t think to highly about this proposal, and after removing it the bill was approved. Also included in the bill was the north/south border of the 109th meridian (the current boundary between the states of Arizona and New Mexico).

Farish writes about the creation of the territory with its players in Congress, along with lame ducks and an oyster supper, in Volume II chapter XVI, pages 321-324. Realizing that some of the language may not be “politically correct” in this day and age, the information is very interesting and is presented without paraphrasing.

Undoubtedly the Confederate invasion of Arizona and New Mexico, and the organization of Arizona into a separate Territory by the Confederates, which was acknowledged by the Confederate Government, with the discovery of gold in large quantities in Arizona, of which the Government at that time stood in great need, were the real causes of the passage of the bill through Congress in the session of 1862–63 for the creation of the Territory of Arizona.

Charles D. Poston, who was in Washington at that time, aided by General Heintzelman, was active in promoting the measure, which had the support of Ben Wade of Ohio, in the Senate and Ashley, of Ohio, in the House.

On March 12th, 1862, Mr. Ashley introduced a bill for the organization of the Territory of Arizona, which was referred to the Committee on Territories. This bill, adopting the suggestion of New Mexico, fixed the north and south-eastern boundary line of the new Territory on the meridian of 32 degrees west of Washington, which is 109° 2' 59" 25 thirds west of Greenwich, and included the area as at present included within the boundaries of the State of Arizona, with the exception of about 12,000 square miles lying west of the Colorado River, which was subsequently annexed to the State of Nevada.

This bill, after a lively debate, was passed through the House by a small majority on May 8th, 1862. Watts, the Delegate from New Mexico, and Ashley, from Ohio, were its chief advocates in the House, and Wheeler of New York, led the opposition. It was argued, that Arizona's white population of 6500 evidently included the Mexican population, for, at that time, by the best accounts, the native born American population was not over 600, and they, and the four thousand civilized Indians were entitled to a civil government and protection as citizens of the United States, which it was contended they could not receive as long as it was under the territorial government of New Mexico. It was also argued that the great mineral wealth of the country was ample justification for the necessary expenditure in creating a new Territory. The opposition claimed that the population never had been sufficient for a territory; that the 6500 population shown in the census included Mexicans and half breeds, totally unfit for American citizenship, that the American population as enumerated at that time had been driven out and that the territory was in the possession of rebels and hostile Indians. Under such conditions it was contended that no real protection could be given, and that a territorial government would be a mere farce; that the bill was intended to benefit office seekers, and that in view of the great expenses of the government, Congress had no right to divert any portion of the public monies for their benefit, but should conserve it all for the protection of the country against its rebels and savage foes. By this bill slavery was prohibited and the Capitol was located at Tucson.

In the Senate the bill was supported by McDougal of California and Wade of Ohio. After some debate the bill was postponed from June, 1862, to December of the same year. Final action was (Continued on page 10)
taken on the 20th day of February, 1863, when the clause designating Tucson as the capitol was
removed, and, under the championship of Senator Wade, the bill was finally passed by a vote of
twenty-five to twelve and signed by President Lincoln on the 24th day of February, 1863.

Charles D. Poston, in giving his connection with the final passage of this bill says: ‘‘At the
meeting of Congress in Dec. 1862 I returned to Washington, made friends with Lincoln, and
proposed the organization of the terr. of Arizona. Oury (who I suppose had been elected delegate
in '62 to succeed McGowan) was in Richmond, cooling his heels in the ante-chambers of the
confederate congress without gaining admission as a delegate from Arizona. Mowry was a
prisoner in Yuma, cooling his head from the political fever which had afflicted it, and meditating
on the decline and fall of a West Point graduate. There was no other person in Washington, save
Gen. Heintzelman, who took any interest in Arizona affairs. They had something else to occupy
their attention, and did not even know where Ariz. was. Old Ben Wade, chairman of the senate
com. on territories, took a lively and bold interest in the organization of the territory, and Ashley,
chairman of the com. in the house, told me how to accomplish the object. He said there were a
number of members of the expiring congress, who had been defeated in their own districts for the
next term, who wanted to go west and offer their services to the 'galoots' and if they could be
grouped and a satisfactory slate made, they would have influence enough to carry the bill through
congress. Consequently an 'oyster supper' was organized, to which the 'lame ducks' were invited,
and then and there the slate was made, and the territory was virtually organized. So the slate was
made and the bargain concluded, but toward the last it occurred to my obfuscated brain that my
name did not appear on the slate, and in the language of Daniel Webster I exclaimed:
‘‘Gentlemen, what is to become of me?’’ Gurley politely replied, ‘‘O, we will make you Indian
Agent.’’ So the bill passed, and Lincoln signed all the commissions, and the oyster supper was
paid for, and we were all happy, and Arizona was launched upon the political sea.’’

In March following President Lincoln made appointments for the territory as follows:

Governor: John A. Gurley of Ohio, who died August 18th, and, on the 21st, John N. Goodwin, of
Maine, was appointed in his place.

Secretary: Richard C. McCormick, of New York.

Chief Justice: Wm. F. Turner, of Iowa.

Associate Justices: William T. Howell of Michigan, and Joseph P. Allyn, of Connecticut.

District Attorney: John Titus of Pennsylvania, whose place, however, was taken by Almon Gage,
of New York, before starting.

Surveyor-General: Levi Bashford, of Wisconsin, was appointed May 26th.


Supt. of Indian Affairs: Chas. D. Poston, of Kentucky.

The newly appointed statesmen started overland in August for Arizona, except Chas D. Poston,
Superintendent of Indian Affairs, J. Ross Browne, agent for the Department of the Interior,
Milton B. Duffield, U. S. Marshal, and Robert F. Greely, Deputy Marshal for the Territory, who
(Continued on page 11)
came by way of California, under the military escort of Capt. S. A. Gorham, who conducted them to Tucson on January 17th, 1864.

Andrew E. Masich (The Civil War in Arizona, The story of the California Volunteers, 1861-1865) points out that prior to 1862 all of the bills introduced into congress regarding Arizona’s proposed territorial status had an east/west boundary and that this north/south boundary was done, “to separate what was thought to be a voting block sympathetic to the Confederacy.”

The Civil War was in full swing and recent events in southern New Mexico, in the form of the Confederate Territory of Arizona, certainly lend credibility to this statement.

On February 24, 1863, “An Act to provide a temporary government for the Territory of Arizona and for other purposes” was approved by President Abraham Lincoln. Arizona was now an official territory and would become our 48th state on February 14, 1912.

By the way, for those who think February 14th sounds familiar—no it is not because it’s Valentine’s Day—it was the day Jefferson Davis proclaimed the territory for the Confederacy …coincidence?

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On pages 12 and 13 is a copy of the act making Arizona a territory. Notice Section 3 and its notation regarding slavery.
Thirty-seventh
Congress of the United States
At the Third Session
Begun and Held at the City of Washington
in the District of Columbia
on Monday the first day of December, one thousand eight hundred and sixty-two

AN ACT To provide a temporary government for the Territory of Arizona and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled

That all that part of the present Territory of New Mexico situate west of a line running due south from the point where the southwest corner of the Territory of Colorado joins the northern boundary of the Territory of New Mexico, to the southern boundary line of said Territory of New Mexico, be, and the same is hereby erected into a temporary government, by the name of the Territory of Arizona: Provided, That nothing contained in the provisions of this act shall be construed to prohibit the Congress of the United States from dividing said Territory, or changing its boundaries in such manner and at such time as it may deem proper: Provided further, That said government shall be maintained and continued until such time as the people residing in said Territory shall, with the consent of Congress, form a state government, republican in form, as prescribed in the Constitution of the United States, and apply for and obtain admission into the Union as a State, on an equal footing with the original States.

Sec. 2. And be it further enacted, That the government hereby authorized shall consist of an executive, legislative, and judicial power. The executive power shall be vested in a Governor. The legislative power shall consist of a council of nine members and a house of representatives of eighteen. The judicial power shall be vested in a su
fribe Court, to consist of three judges and such inferior courts as the legislation council may by law provide, there shall also be a Secretary, a Marshal, a District Attorney, and a Surveyor-General for said Territory who together with the Governor and judges of the Supreme Court shall be appointed by the President by and with the advice and consent of the Senate, and the term of office for each, the manner of their appointment, the powers, duties, and the compensation of the Governor, legislative assembly, judges of the supreme court, Secretary, Marshal, District Attorney, and Surveyor-General aforesaid, with their clerks, draughtsmen, deputies, and sergents or arms, shall be such as are conferred upon the same officers by the act organizing the territorial government of New Mexico which subordinate officers shall be appointed in the same manner and not exceed in number those created by said act and acts amendatory thereof, together with all legislative enactments of the Territory of New Mexico not inconsistent with the provisions of this act, are hereby extended to and continued in force in the said Territory of Arizona until repealed or amended by future legislation. Provided, That no salary shall be due or paid to the officers created by this act until they have entered upon the duties of their respective offices within the said Territory.

Sec. 3. And be it further enacted, That there shall exist no slavery nor involuntary servitude in the said Territory otherwise than in the punishment of crimes whereof the parties shall have been duly convicted, and all acts and parts of acts either of Congress or of the Territory of New Mexico establishing, regulating or in any way recognising the relation of master and slave in said Territory are hereby repealed.

Speaker of the House of Representatives.

Abraham Lincoln

President of the Senate for the time.

Approved, February 24, 1863
Protection from Indians with a splash of Confederacy

Protection from Indians was a major safety concern of the citizens of New Mexico (which included the area known as “Arizona”) before, during, and after the short-lived Confederate occupation. In 1857-58 neither New Mexico nor Arizona, in its bid to become a territory, wanted the Navajos or Apaches in their backyards and for good reason: as violent fighting had shown, the Indians didn’t want the inhabitants of New Mexico in theirs. Union troops were still fighting the Indians when the Confederate Territory of Arizona and the War of the Rebellion entered the history books. In fact, as pointed out by Will Stoudamire in his speech to the Sons of Union Veterans of the Civil War (Sons of Union Veterans of the Civil War, Picacho Peak Camp No. 1 Newsletter, October 2009), only three Confederate soldiers are known to have died in Arizona from wounds obtained from fighting there and these deaths were not the result of fighting with Union forces; they occurred during a fight with Apache Indians at Dragoon Springs in southeastern Arizona. The Apaches didn’t differentiate between settlers or Union or Confederate forces!

Why the “splash of Confederacy”? Well, the Territory of New Mexico was in existence for over 12 years before it was divided into the Territory of Arizona. The Confederate Territory of Arizona (carved out of New Mexico) was in existence for less than a year—technically only five months.

Confederate forces were forced out of the New Mexico Territory in July 1862 and pushed back into Texas. The Confederate Arizona Territorial government, or what was left of it, remained there as “a government in exile” or was “relocated to Texas” (depending on the source) and was represented by one individual in the Confederate Congress until the end of the Civil War; but for all practical purposes it ceased to exist.

Notes:

http://www.history.com/encyclopedia.do?vendorId=FWNE-fw-ga001900.a

*Ordeal of the Union* by Allan Nevins, 1947. Part 1 of an 8 volume set about the Civil War.

*The Southwestern Historical Quarterly* 1920, Texas State Historical Society, *A Ray of Light on the Gadsden Treaty* by J. Fred Ripley on pages 237-238


*History of Arizona* Volumes 1-8 by Thomas E. Farish 1915-1918; Also available at http://books.google.com and *Books of the Southwest*, University of AZ. Library website:
https://library.arizona.edu/exhibits/swetc


*Sons of Union Veterans of the Civil War, Picacho Peak Camp No. 1 Newsletter*, October 2009 by David A. Swanson. From a speech by Will Stoutamire, ASU graduate student of history.