Reinventing the Old West: Concordia Cemetery and the Power Over Space, 1800-1895

Nancy Gonzalez
University of Texas at El Paso, cckprops.ngonzalez@gmail.com

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REINVENTING THE OLD WEST: CONCORDIA CEMETERY
AND THE POWER OVER SPACE, 1800-1895

NANCY GONZALEZ
Department of History

APPROVED:

Yolanda Chavez Leyva, Ph.D., Chair

Jeffrey Shepherd, Ph.D.

Maceo C. Dailey, Ph.D.

Dennis Bixler Marquez, Ph.D.

Bess Sirmon-Taylor, Ph.D.
Interim Dean of the Graduate School
Dedication

I dedicate this work to my parents Salvador Gonzalez+ and Nieves T. Gonzalez, to my siblings Juan, Gloria Velia, Sal and Ray and to my good friend Joseph Michael Cascio+
REINVENTING THE OLD WEST: CONCORDIA CEMETERY
AND THE POWER OVER SPACE, 1800-1895

by

NANCY GONZALEZ, M.A.

DISSERTATION

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Abstract

Utilizing Concordia Cemetery as a framework, this study analyzes the social and economic development of El Paso County and the surrounding areas after the U.S.-Mexico War (1846-48). The cemetery was a vast commercialized zone before it was a burial ground, and silenced histories, voices, and people that lived and thrived on this land, are incorporated into this work. The role of the original owners, Hugh Stephenson and Juana María Ascárate, as well as the Mexican networks, intermarriage and Mexican American women, and the presence of ethnic Mexicans are subjects that are also examined. In addition, this dissertation interrogates the pioneer narrative and how the Concordia Heritage Association utilizes its power to produce historical narratives that emphasizes Anglo superiority and their contributions to the economic growth of this region, while they utilize this same power to silence certain aspects of the past.
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Introduction

This study of the Concordia Cemetery in El Paso, Texas examines how the historical past and its people have been silenced throughout the decades by our local historians and civic leaders. I discovered the cemetery as I searched for population demographics that placed ethnic Mexicans north of the river, in the El Paso County area, when the U.S. invaded Mexico in 1846.¹ I found an editorial published in the *El Paso Times* in 1890, which confirmed my position that population counts in this part of the borderlands did not reflect the reality. It is titled “OH THAT CENSUS” and it clearly exposes the government institution for its incompetence. The editor stated the following:

> The present census will do an injustice to our city. It will be incomplete and inaccurate [sic] unless every citizen interests himself in the work. We are glad to learn, however, that prompted by general complaints from all parts of the country, Superintendent Port has decided that whereever a census supervisor requests an extension of time for the completion of his returns it will be granted. As rapidly as the returns are corrected they are to be forwarded to the census bureau…Perhaps the saddest commentary on the rottenness of modern politicians is the shameful, disgraceful manner in which the present census of this country has been taken. It is a matter that the whole country is interested in, that cost the government an enormous amount of money, and coming as it does only once in ten years, ought to be executed with the utmost precision and dispatch, because unless it is exact it is practically worthless. Instead of this, political jealousy is permitted to creep in, incompetent neuro [sic] enumerators have been appointed all over the [country], and the result has been that the money is more than wasted, as the figures are entirely unreliable.²

The editor appears to be disgusted at the cost involved in taking a population count especially since the figures were nowhere close to representing the actual number of souls living in El Paso in 1890.

Another small article printed in the *El Paso Herald* suggests that in 1890, census questionnaires were placed at the front gate of the Concordia Cemetery,

¹ In this work “ethnic Mexican” refers to individuals who share a common Mexican heritage and are both US-born and immigrants.
² *El Paso Times*, June 25, 1890.
The census bureau has sent out about one thousand questions to be answered by the occupants of the silent city of Concordia. City Clerk Bovee has written the bureau that Concordia is the burial place for El Paso, and that its occupants are not likely to send in any report.³

There were no living citizens in the burial grounds so why would the census enumerator drop off that many questionnaires at the cemetery gate? In 1890 the largest community of ethnic Mexicans lived in the residential area that surrounded the Concordia Cemetery and one can only speculate that the questionnaires left at the cemetery gate were meant for the people that resided in the Concordia district. One can further speculate that there were at least one thousand families living in the Concordia neighborhood in 1890.⁴

Further inquiries into the establishment of Concordia Cemetery led to the discovery of Hugh and Juana María (Ascárate) Stephenson and their seven offspring. The Stephenson-Ascárates were the original owners of Rancho Concordia, which consisted of a 900-acre tract of land and is the location where San José de Concordia el Alto cemetery and chapel were later established. Rancho Concordia and Rancho Ponce de León were the first commercial clusters located north of the river during the Mexican period and both estates housed large communities of Mexican families who lived and worked on the land. Rancho Concordia grew into a mini-metropolis that catered to merchants, travelers, and adventurers and the Stephensons offered everything from lodging, housing, blacksmith services, wood, water, and other natural resources, as well as a fully stocked mercantile store. The family traded the goods grown and produced on

³ El Paso Herald, March 31, 1890.
⁴ Oscar J. Martínez, “The Chicanos of El Paso: An Assessment of Progress” Southwestern Studies No. 59 (El Paso: Texas Western Press, 1980). According to historian Oscar J. Martínez, the official 1890 census figures show a total “city” population of 10,388. 2,115 or 20.4% were of Mexican descent and the other 79.6% consisted of Anglo heritage. The 1880 census does not provide data on the number of ethnic Mexicans living in the city, however, there were 736 total non-Mexican residents listed as living the city of El Paso. In ten years the city’s population grew by 9,652, which is a relatively small increase in population given that in 1881 the railroad reached El Paso and our local historians suggest that the city grew from a sleepy Mexican town to a booming metropolis almost overnight.
the estate with the caravans—owned by both Anglo and Mexican merchants—that made their last stop at Rancho Concordia before heading north, south, east, or west.5

At the time of U.S. conquest in 1846 Rancho Concordia consisted of the family estate, a chapel and cemetery, a mercantile store and numerous other businesses with one hundred and ninety-five homes scattered throughout the land, occupied by hundreds of Mexican families. The Stephensons continued to prosper, and as Anglo men settled in this part of the borderlands, Hugh and Juana María played important roles in the development of a bicultural, binational community. Juana María Ascárate and other wealthy Mexican women, including their relatives and the Mexican networks, helped Anglos achieve social and economic mobility through intermarriage and trade. Dominant local histories, however, suggest that a dozen Anglo pioneers were responsible for the growth of El Paso and very little credit is given to the Stephensons, the Ascárates, the Mexican elite and Mexico’s economy. The historical narratives written about the U.S. west—El Paso included—honor the white men and women that heroically migrated westward, settled the harsh, barren environment and established Anglo American social customs and a capitalist economy. Local histories mirror this pioneer narrative, although investigating the lives of El Paso’s pioneers and the business ventures they engaged in, reveals a history of Anglo occupation, land expropriation, corruption, and murder.6

The history of Concordia as a geographical space dates back to the 1770s when the Ascárates owned it and allowed their animals to graze on it. In 1830 Hugh Stephenson and Juana María Ascárate bought the Concordia tract from her father, Juan Ascárate, and together

5 Zebulon M. Pike, *Exploratory Travels Through the Western Territories of North America* (London: Longman, Hurst, Reis, Orne, and Brown, 1811). Rancho Concordia and Rancho Ponce de León offered every type of commodity to the trader and traveler. Pike did not find that he was in the middle of nowhere or in the middle of the desert with the abundance of agriculture, orchards, wine, and conveniences available in service stations.

they transformed the land into a family estate and trading post; when Juana María died tragically in 1856, the Stephenson-Ascárate offspring inherited hundreds of acres of Concordia land. The cemetery currently encompasses a fifty-two acre tract that is owned by twelve different entities and the county provides funding for its maintenance and security. County officials gave the Concordia Heritage Association full control of the cemetery in 1990 and association leaders have since converted the burial grounds into something that resembles a mythical western town. The association and the performance group Six Guns and Shady ladies commemorate the Anglo pioneers that settled in this region through walking tours, live Wild West shows, ghost tours, and other yearly celebrations.7

In this dissertation, I argue that Concordia Cemetery is currently exploited to commemorate the prominence of whites in occupied territory rather than celebrate the economic importance of this region that dates back centuries. In addition, the role of the Stephenson-Ascárates, the Mexican networks, intermarriage and Mexican American women, and the presence of ethnic Mexicans are subjects that are being categorically erased from the celebrations and from our local histories. In El Paso, the cemetery association, civic leaders, boosters, managers, and politicians, utilize their power to produce historical narratives that emphasizes Anglo superiority and their contributions to the economic growth of this zone, while they utilize this same power to silence certain aspects of the past. One can identify social and class distinctions in Concordia by the way the cemetery is designed and through divisions made by rock walls and gates. If one looks past the ostentatious monuments of the white elite, however, one can detect the hidden histories that lie in the peripheries, where the paupers and

nameless tombs remain out of site. No attention is drawn to those sections by the association but if one listens closely, silenced voices can speak volumes.

Borderlands history cannot be articulated without considering the events that occurred south of the river. Particularly since familial ties have existed for centuries, and as the southwest was undergoing colonization, the effects of occupation inevitably filtered to the other side of the border. There is a need for work that blends the cross-border past which produces historical narratives that are whole in terms of processes that did not just end when an empire identified a shared geographically outlined landscape as an international boundary. A prerequisite of this work entailed covering a long temporal space due to the history of the land and the people that traversed it, settled it, nurtured it, and survived from its harvests. I have examined archives that date back to the colonial period to map out the development of this region as a commercial crossroads and to validate the existence of life, silenced voices and erased memories. Although there are no existing indigenous codices from the Manso Indians or other tribes that could help place permanent villages in and around this area during precolonial times, colonial municipal archives situate the first significant settlement in this region with the establishment of the mission Nuestra Señora de Guadalupe de los Mansos in 1659.8

New Mexico State archives that date back to the colonial period were beneficial in piecing together the development of settlements after 1660 given that New Mexico had jurisdiction over this area which extended to present day Villa Ahumada, Chihuahua.9 These primary documents situate the first yearly caravan arriving in Paso del Norte from Mexico City in the mid-1680s after Spaniards, mestizos, and Indians were ousted by the Pueblo Indians from

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9 María del Carmen Velázquez, Tres Estudios Sobre Las Provincias Internas de Nueva España (Mexico: El Colegio de Mexico, 1979), 40-41.
northern New Mexico (see illustration I-1). By 1700 the first bridge and other infrastructure were in place allowing for the expansion of commerce into northern New Mexico, and five decades later, in addition to the yearly caravans other privately-owned convoys traveled shorter distances. Tracing the activity of Manuel Marques y Melo, a private merchant, through correspondence transported on the royal mail caravan during the colonial period provides a good sense of how merchants communicated with their customers despite the long distances that appear inconceivable in contemporary times.10

The Ascárate family arrived from Spain during the 1770s and they engaged in trade, as did the generation of Ascárate men who were born during the late phase of colonial rule. The reliance on a broad foundation of Spanish language primary sources from the colonial and Mexican periods, published and unpublished sources, periodicals, newspapers, court documents, and census data have helped shape the history of the Ascárates and they provide an almost exact moment when Hugh Stephenson appears in Mexican society. These documents are important to this project because they lead directly to understanding the establishment of Rancho Concordia, which challenges the local histories written about the Stephenson-Ascárates and about the Anglo pioneers that eventually accessed Mexican-owned land and resources. The Northern provinces during the colonial period proved they were economically strong and its economic importance continued during the Mexican period, as U.S. economic policies were implemented after 1848, El Paso’s commercial growth hinged on the Mexican economy, the Mexican elite, and on ethnic Mexicans as citizens, consumers, and laborers.11

The formation of a Mexican and Mexican American binational community after U.S. conquest is equally critical to this work. Some Stephenson-Ascárate family documents have survived through the decades and they have helped piece together the lives of a privileged family that enjoyed the benefits that came with conquest yet maintained contacts with the Mexican elite across the river and profited from those relationships as well. The Stephenson-Ascárate women married Anglo, Mexican, and Mexican American men, none of whom were wealthy at the time of marriage; nonetheless, these men became very prominent in both El Paso and Ciudad Juárez. County deed records further demonstrate that the majority of the Concordia land had been sold or passed on to the third generation who also sold their holdings by 1900. The only remaining plot still owned by a Stephenson-Ascárate descendant is a .25 acre private section of cemetery land. Generations of binational elite have continued to maintain cross-border ties as a result of the early formation of a network of families that were later identified as the fronterizo class during the Porfiriato.

The sources utilized in this work incorporate silenced histories and the voices of those that rest eternally in Concordia Cemetery. This study does not limit its focus strictly on those buried in the cemetery because many individuals that associated with the Stephenson-Ascárates are not interred there but made an impacted this region’s history nonetheless. The documents have led me to discover history that may be threatening to some that hold preconceived notions of the Stephenson-Ascárates and how Concordia, the Ascárate Grant, the Bracito Grant, and the mine in the Organ Mountains were acquired. The reality does not paint the same romantic

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14 J.J. Bowden, “The Ascárate Grant” (Texas Western College, M.A., 1952). According to Bowden, the Ascárate Grant was first introduced to the Texas Committee of Private Land Claims by Senator Archibald C. Hyde of San Elizario in 1857. The grant measured approximately 13,325 acres of land and Texas official documents show that
picture of the past that our local historians have shown when dealing with the growth of El Paso and how pioneers behaved after they arrived and settled here. Court records from New Mexico, El Paso, and Ciudad Juárez contain data that is important when piecing together the lives of people and placing their existence in this region regardless of the frontier theories, legends, and myths that allege that the northern borderlands were barren and uninhabited.15

Chapter one is an overview of how Concordia, as an expanse of land, has existed throughout many centuries. Concordia Cemetery serves as a window to view the historical past because this territory has endured the movement of large numbers of people, goods, and animals; it has seen many wars and has been controlled by many governments, and it has exchanged hands—both legally and illegally—numerous times. Concordia was a vast territory that provided sustenance for the living before it was reduced to a graveyard that warehouses memories of the dead. The Concordia Cemetery serves as a conceptual framework for this dissertation given that there is power in the preservation of history and power over public spaces, landmarks, and monuments.16 The Concordia Heritage Association has gone through great lengths to demonstrate that El Paso underwent a similar Americanization processes that other conquered regions did. At the cemetery the association highlights the contributions made by El Paso’s pioneers and they glorify the western heroes for the impact they had on the civilizing process in society; and that although Mexico is a few minutes away, El Paso is an American city and part of the United States. By exercising their power over the cemetery and its history, the association minimizes the presence of people and events that are vital to our history. Utilizing

Juan and Jacinto Ascárate were the original assignees of the grant filed on December 1858. NMRAC, serial #13844, District Court Doña Ana County Civil Case #754, May 17, 1853 to December 31, 1856. These court documents show that the Bracito Grant measured 23,000 acres and Hugh Stephenson, through the legal system fraudulently acquired the Bracito Grant from its original owners.


Concordia Cemetery as a platform to unearth hidden histories validates the importance of Mexico and Mexican people in the growth and advancement of the El Paso County region, which also challenges the power that the association and civic leaders have over the production of our regional history. All eternal residents are vital to this endeavor; in particular, the original owners of Rancho Concordia should be given more attention to demonstrate that conquest was not romantic and that even the history of Concordia has its ghost and legends.

This chapter relies on New Mexico territorial records and local histories to map out the arrival of culturally diverse immigrants who are represented in Concordia Cemetery through privately-owned sections of burial space. I interrogate the pioneer narrative in this chapter to demonstrate how El Paso was eventually occupied by Anglos many of which are mentioned here since their contributions to the economic growth of this area is an integral part of our local histories. Most are located on the main paths of the cemetery and their ostentatious tombstones reveal their class status and religious affiliation. Tracing immigrant economic activity demonstrates that those that own private sections of cemetery land became successful during their lifetime partly due to their awareness of the Mexican markets. Many profited from opening branches of their business in Ciudad Juárez, Casas Grandes, and in Chihuahua City. Other individuals or groups discussed in this chapter somehow impacted the social or economic spheres in this area and they are represented in a visible way at the cemetery and in our local narratives.

Chapters two and three are an endeavor to “unsilence” the histories that lie beneath the surface of Concordia Cemetery, before wealthy Anglos and other groups bought the land to bury

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17 Patrick Rand, “Concordia Cemetery” Password Vol. 40, No. 1 (Spring 1995), 3-15. For example, at the time of his death in 1919, John Mundy owned eighteen acres and the rights to the name Concordia Cemetery. Numerous Mundy descendants are buried in the Mundy section (also known as the Protestant section) and during the walking tours, the association places at least one actor in front of their section and he/she recites the Mundy successes since their arrival in El Paso.
their dead there. In these chapters Spanish language municipal archives from the colonial and Mexican periods and court records help particularize the origin of the Ascárate family as they created a niche for themselves in the colonial economy. The narratives describe Juana María Ascárate and Hugh Stephenson’s plight and how they eventually established their estate north of the river during the Mexican period. Together, they influenced the formation of a key commercial cluster, characterized by an early capitalist system with large-scale agricultural production and manufacturing. This enterprise fostered the growth of a rural ethnic Mexican community that catered to the merchant caravans and the residents of Concordia City. Chapter three focuses more specifically on Hugh Stephenson’s business pursuits and that of the first wave of Anglo immigrants that arrived in the 1850s. Spanish language documents help to expose the realities of conquest and how Hugh Stephenson and the other pioneers fraudulently acquired land, mines, and natural resources. Local narratives situate the historical founding of El Paso and the surrounding communities with the arrival of whites, which completely erases the significance of Concordia and the Ascárates and their role in the social and economic development of El Paso, Texas. At this juncture, the invention of local histories is initiated. The moment crucial events are erased from history and individuals pivotal to the narrative are silenced histories are fictionalized and written to conform to the Myth of the Frontier. Historian David H. Murdoch suggests that the myth of the frontier provided America with a past that held a set of values that were needed at that particular time. American leaders—Theodore Roosevelt among them—perceived a need to create a myth that accommodated for the social and economic changes that the nation was undergoing, including industrialization and immigration.\footnote{Murdoch, 5-15.}
Chapter four addresses the formation of a unique middle class Mexican American bicultural, binational community. Stephenson-Ascárate family records, county deed records and documents dealing with the plight of Mexican and Mexican American women in the borderlands helps delineate the evolution of a powerful fronterizo class of elite Mexican and Mexican American men and women that also included Anglo and mixed Anglo-Mexican heritage groups as a result of intermarriage. After Juana María Ascárate Stephenson passed away, her daughters Margarita, Leonora, Benancia, and Adelaida, inherited hundreds of acres of Concordia land and subsequently became the wealthiest women of El Paso, Texas in the mid-1850s.¹⁹ The Stephenson-Ascárates and Mexican women of their stature were raised in business oriented households and married Anglo pioneers who migrated to this region without assets but in search of wealth and mobility. County records demonstrate that Mexican and Mexican American women signed documents to real estate transactions and they took advantage of the retail and wholesale business.²⁰ Very little is known about the women that inherited Rancho Concordia, and although Benancia Stephenson’s grave and that of her descendants is located in Concordia Cemetery, the cemetery association does not draw attention to her or her history. Juana María Stephenson is the only woman of Mexican descent commemorated by the Concordia Heritage Association during the walking tours and the actor that portrays her situates her north of the river in the 1850s along with the rest of the Anglo pioneers. For our civic leaders, life north of the borderlands began after U.S. invasion.

Although whites successfully gained access to the social and economic networks in Mexico, they could not fully colonize the northern borderlands unless they divested ethnic Mexicans of their rights, including the “unwritten” but longstanding communal subsistence

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¹⁹ Stephenson-Flores Family Papers, MS 341, Special Collections, University of Texas, El Paso.  
²⁰ El Paso County Records, General Indexes to Deeds 1867-1888.
practices. The passage of Article VII, Section 39 of the 1866 Constitution released all subsistence lands to the owner of the soil, including mines, salt deposits, wood, clay, water, and other natural resources. Chapter five addresses the resistance movements and the bandit activity that resulted from this law and from the land expropriation initiative organized by railroad capitalists, defined by a racialization project that ultimately involved creating a landless working class. In their attempts to retain their rights to the resources Mexicanos broke the law and became criminals. In Concordia Cemetery, the largest sections are occupied by the poor, the nameless, the landless, and the bandits; they trekked this territory countless times on their way to the salt mines or to visit their extended families that had been repatriated, while many lived and worked in Rancho Concordia. In chapter five I argue that Mexican bandits resorted to criminal activity as a result of disenfranchisement, whereas, the Anglo outlaw engaged in crime, not out of necessity like the bandit, but because they could do so in a society that viewed the cowboy as “the exemplar of virtues, individualism, self-reliance, and personal integrity.” Outlaws are celebrated as heroes that helped tame the west rather than regarded as criminals or murderers, like Mexican bandits have been characterized.

The creation of legends and heroes about the Far West was influenced by eastern writers and journalists who traveled westward along with thousands of other adventurers. Their novels were replete with topics that dealt with open spaces, log cabins, stage coaches, cowboys, Indians, gunslingers and shady ladies and these symbols and personalities have since become central aspects of our popular culture. Chapter six addresses the influence that western history,

22 Murdoch, 5-15.
outlaws and myth-making have over our local histories as well as the power that the remains of the outlaw John Wesley Hardin have over the Concordia Cemetery as a living museum. The Concordia Heritage Association has had guardianship of the cemetery since the 1990s and its members utilize cemetery grounds to advocate the idea that the heroes of the west are outlaws that protected women and children, and that although they were criminals and murderers, they were good men. An entire era of American history has been built around the life of John Wesley Hardin, a murderer who lived in El Paso for a four-month period. Myth-making is a continuous process and groups such as the Concordia Heritage Association and the troupe Six Guns and Shady Ladies, through their live performances, reinforce romanticized views about frontiers, outlaws and prostitutes every time they reenact the shootout between John Wesley Hardin and Constable Selman on cemetery grounds. Historian Richard Slotkin suggests that the gunfighter mystique “portrayed a style of action suited to a world view in which the professional character and style of a gunfighter could resolve a wide range of conflicts” and in the American imagination the gunfighter incites this belief.24

The borderlands are a unique region that bridges colonial, Mexican and U.S. histories and where ethnic Mexicans, Indians, Anglos, and other groups thrived on both sides of the Rio Grande. Historians Samuel Truett and Elliot Young posit that Borderlands History needs to be regarded as part of a broader “transnational” history about frontiers, regions, and their historical relationships. There is a growing number of historians that promote the notion that American history should not stop at the international border with Mexico, arguing that forces from both sides have influenced the creation of a bicultural, binational, fluid and symbiotic community. Utilizing Concordia Cemetery as a warehouse of history reveals how generations of people

preserved the symbiosis of this region regardless of the international boundary, border vigilance
groups, and immigration policies.\textsuperscript{25}

Transnational histories suggest that the colonization of the borderlands cannot be fully
explained by the belief that the west was conquered and civilized. The dynamics of annexation
and occupation were more complex. For one, the social and economic networks were not
severed with conquest, on the contrary, they grew as more Anglos arrived and married into
Mexican wealth. The Concordia Cemetery is a firm reminder that a Mexican American middle
class developed as a result of conquest and due to the economic ties with the Mexican elite. The
Stephenson-Ascárate women were the first to give birth to the Mexican American generation,
officially born in the United States; nevertheless they maintained a strong relationship with their
cross-cultural networks because the Anglo economy relied on Mexican markets and its labor
force for growth.

Few historians have looked at the lives of the elite and middle class Mexican and
Mexican American women and their contributions to the development of a bicultural
community. Historian Deena J. González has identified the “greeting generation” class
consisting of wealthy Mexican women that married pioneering Anglos during the Mexican
period in New Mexico and they facilitated the acculturation of Anglos into the Mexican
lifestyle.\textsuperscript{26} After conquest, middle class Mexican American women like the Stephenson-
Ascárates held considerable power in terms of land ownership and through their ties with

\textsuperscript{25} Samuel Truett and Elliott Young, eds. \textit{Continental Crossroads: Remapping U.S.-Mexico Borderlands History}
(Durham: Duke University Press, 2004), 1-23. The term “tricommercialized zone” is used throughout this work
which refers to Las Cruces, New Mexico, El Paso, Texas, and Paso del Norte, Chihuahua (renamed Ciudad Juárez in
1888). They developed as one extended community even after U.S. conquest, much like they existed during the
colonial and Mexican periods.

\textsuperscript{26} Deena J. González, \textit{Refusing the Favor: The Spanish-Mexican Women of Santa Fe, 1820-1880} (New York:
Oxford University Press, 1999).
Chihuahuan networks, after U.S. conquest the zone resumed its position as one extended community, much like it existed during the colonial and Mexican periods.

Many of the Anglo pioneers buried in Concordia became wealthy as a result of intermarriage yet local histories do not reflect this fact. The cemetery association gives little or no credit to the Stephenson-Ascárate women even though they owned the Concordia district and cemetery into the 1890s. American histories that deal with women of the west tend to identify their role in the colonization process in strictly social terms, being proper hosts or supporting the arts for example, or they were madams and are usually described as astute business women. The history books suggest that women of the west were all white. In addition, little is known about the Stephenson-Ascárates and other middle class women of Mexican heritage that married Anglos since their own female offspring continued to marry Anglo men or Mexican wealthy therefore their surnames began to disappear from the population census. In Concordia Cemetery the .25 acre private section provides generations of evidence that places middle class women in positions of power since 1830, when Juana María Ascárate and her Anglo husband, Hugh Stephenson established Rancho Concordia north of the river. This work adds to the literature introduced by González and other Chicana scholars that are incorporating women’s voices and acknowledging their presence as women of Mexican heritage who created a space for themselves, even if they were part of the labor force, to survive in the changing social and economic environment.

28 Mario T. García, Desert Immigrants: The Mexicans of El Paso, 1880-1920 (New Haven: Yale University Press, 1981), 2-4. García identifies the existence of a Mexican middle class or comerciantes that owned grocery stores, restaurants, tailor shops, barbershops, and community newspapers and some filled political positions and other leadership roles, however, he suggests that “Mexicans were occupationally restricted by the economic character of the Southwest” and validates the idea that El Paso became an “instant city” with the arrival of the railroad.
Amateur historians like the members of the Concordia Heritage Association are still being influenced by Turnerian views. They have considerable influence over mainstream local and regional audiences and the association propagates the idea that the west was won by gunfights between outlaws and lawmen and they subsequently utilize the cemetery grounds to reinforce these western myths through their live Wild West shows. The chapters in this study advances the New Western historiography, with noted historian Patricia Nelson Limerick at the forefront, who argue that the west is significant because it is a meeting point for many ethnic and racial groups with diverse cultures. Other events occurred with westward expansion and settlement that made it necessary to keep redefining the term frontier as a place rather than a process as Turnerians have argued.29 For example, along the U.S.-Mexico border, struggles over land, water and other resources as well as over issues of civil rights, labor exploitation, language, and cultural practices could be compared to historical events that occurred in other parts of the southwest after U.S. conquest and westward expansion. However, the dynamics of the borderlands and the shared experiences between people separated by an international boundary sets this region’s historical past apart from other areas that underwent transformation as a result of colonization. The views of Richard Slotkin, Walter Nugent, and others who came after Limerick and her cohort align with the notion that a multicultural west existed as both a place and a process. Slotkin hopes in the creation of a “new myth” based on the revising of a national memory “to register the fact that our history in the West and in the East was shaped from the beginning by the meeting, conversation, and mutual adaptation of different cultures.”30

29 Patricia Nelson Limerick, The Legacy of Conquest: The Unbroken Past of the American West (New York: W.W. Norton, 1987), 17-27. The original members of the New Western History were Patricia Limerick, William Cronon, Richard White, and Donald Worster.
The El Paso-Ciudad Juárez region cannot be defined by a fixed notion that places a specific group of characters, structures, and landscapes in a neatly demarcated space. Although this space is separated by a border, the events that occur in one community eventually trickle across the boundary line to the other and the people will experience similar effects, good or bad, due to the cross-cultural environment that exists here. In this work, deconstructing the Old West Myth establishes that life existed before gunslingers appeared and that the economic and cultural developments were not influenced by their presence or behavior.

This dissertation addresses issues related to the cross-border environment and the marginalization of Mexican and Mexican American groups that have experienced discrimination, regardless of nationality, due to historical processes that created the borderlands. Although ethnic Mexicans have experienced numerous forms of racism and violence throughout the country, the pressures placed on the lower classes situates Mexican minorities in more volatile relationships with the powerful due to their status as undocumented or they are criminalized due to their race or gender. Anthropologist Martha Menchaca suggests that “racial status hierarchies are often structured upon the ability of one racial group to deny those who are racially different access to owning land” and throughout this work I demonstrate how Anglo policies worked effectively to expropriate land from Mexicanos. They were either forced to repatriate to Mexico, or if they remained, Mexican Americans were relegated to the laboring class, and due to their economic disenfranchisement, they were obligated to live in segregated sections of El Paso. Menchaca identifies the practice of social and economic dispossession of ethnic Mexicans as a racialization process that was successfully accomplished through the legal system which keeps

31 Menchaca, 1-4.
the structure of inequality in place. The law protects power and property and at the same time it maintains the subordinate at the bottom.

The chapters in this work show that the Stephenson-Ascárates were not innocent by any account. Court documents demonstrate how Hugh Stephenson, his sons-in-law and other Anglo pioneers relied on the legal system to fraudulently acquire thousands of acres of land and resources. In addition, economic policies were implemented that created a low-waged labor force, and other institutions such as the media or newspapers and border vigilance groups, aided in the construction of working class Mexicans as intruders and criminals. The physical border was seen as a threat due to the easy access to Mexico and when Mexican men committed crimes, law enforcers frequently complained that bandidos fled across the river to escape justice. Those in positions of authority utilized U.S. institutions to achieve the racialization of ethnic Mexicans as identified by Menchaca.

I rely on the work of Michel-Rolph Trouillot and Dolores Hayden to “bring sound and significance” to the silenced past.32 Illustrations, monuments, and the commemoration of people and events are manifestations of power and what is not said is different than the absences created in history. For example, eliminating the presence of ethnic minorities from conquered soil diminishes the obligation to provide them with services or to honor their rights. If they were repatriated by the hundreds, more validity is given to census data, whose figures show that few Mexicans lived north of the river at the time of conquest and into the 1890s. Trouillot observes that “power shapes what happened and what is said to have happened raising the decibel level of some voices and silencing others. Power also shapes sources, their selective use by individuals,

and how certain events are contextualized.” The primary sources I reference in this work have not been validated by local historians given that the documents challenge the romanticized views that have been written and expressed about our pioneering fathers.

Our civic leaders commemorate people and historical events to maintain a strong sense of Anglo superiority. For example, who is going to celebrate the anniversary of the Pueblo Revolt (1680) or the El Paso Salt War (1877) if it does not celebrate Anglo-European victories? In Concordia Cemetery the walking tours and live performances are rife with images of Anglo pioneers and their successes as well as with representations of the west and its western heroes. These events are reflections of how power functions when producing history, which Trouillot observes is “infinitely susceptible to invention.” This work incorporates the voices of the past, the presence of Mexicans, and the existence of vibrant communities when Anglos marched in with the caravan of neutrals. Ethnic minorities underwent numerous stages of disenfranchisement from the 1850s to the 1880s and after, while their life experiences as a segregated laboring class is replicated on cemetery grounds where they rest eternally in unmarked burial spaces and out of the public’s view.

My work follows the lead of Marie Theresa Hernández’s Cemeteries of Ambivalent Desire. She writes about a historically significant cemetery in a very prominent part of Texas, where the roots of Anglo conquest developed and where Stephen F. Austin and his cohorts laid claim to land belonging to the Mexican people. The San Isidro Cemetery in Fort Bend County, Texas, grew out of the history of conquest, slavery, prisoners, and Mexican labor. My work

33 Ibid.
34 Trouillot, 29.
35 Max L. Moorhead, New Mexico’s Royal Road: Trade and Travel on the Chihuahua Trail (Norman: University of Oklahoma Press, 1954). The caravan of neutrals consisted of over 300 wagons, hundreds of merchants, their families, servants, cargo, and animals. This commercial caravan was accompanied by the Army of the West in 1846 and together marched into New Mexico and declared war on the Mexican Republic.
unfolds from the silent histories of Concordia Cemetery and it deals more with the people that nurtured the land than it does with the monuments or the wealthy buried there. My concern is to unearth the history that lies under the visible layer of the cemetery, the levels that reveal settlement patterns, social and class structures, cultural practices, and historical events that occurred on this land. This area consisted of a large commercial cluster and it differs from other cemeteries because it was a vibrant community on a vast expanse of land that has since been reduced to a fifty-two acre tract of burial space.

In Concordia’s case, the paupers, the nameless and the horrors of conquest are not the only aspects of history being silenced. Many silences exist about the Stephenson-Ascárate legacy and the middle class Mexican and Mexican American men and women that also thrived in this region. Concordia Cemetery is a unique landscape that although since the 1990s is no longer used to bury the dead (except for the private sections owned by Jewish and Mason groups), has evolved into something more than a burial space—it is a tourist attraction. Historian Hal Rothman suggests that there is a hidden power in tourism where outsiders arrive, establish permanent roots, and subsequently seize arenas that they utilize for entertainment and tourist traps. In the process, they isolate or ignore people, communities, and history to satisfy their own needs.36 In some regions of the borderlands, city boosters fabricated the Fantasy Heritage Myth, which is an invented space that highlights Spanish traditions and culture as well as applauds Spain’s efforts to humanize the Indians. In other areas of the southwest, the Myth of the Wild

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West has been disseminated as a way of justifying the conquest and colonization of Mexico, Mexicans and Indians.\textsuperscript{37}

The Concordia Heritage Association has taken control of the Concordia Cemetery and converted the burial grounds into a stage where actors celebrate Anglo power and invented histories of conquest and a Wild West past. The association validates the idea of the western hero who migrated to the frontier specifically to tame the savage Indian and the Mexican bandido. Two yearly events are held on cemetery grounds that commemorate John Wesley Hardin’s exploits, as a western outlaw and hero and the contributions he made to El Paso’s western history, although he lived in the city for the last four months of his life. Tourists are drawn in by the live reenactments where law men, outlaws, and prostitutes comprise the main characters of a Wild West town.

How much importance should be given to legends and should these reenactments take place on burial grounds? How much of frontier history actually defines El Paso’s past? Our leaders show no opposition to these events perhaps because Hardin’s grave draws thousands of visitors to the area every year, the validity of the legend is not questioned if the tourist’s dollars flow into the city. Ordinary people learn history outside academia, mostly through the media and novels, before they learn it from a history book. The Wild West was shaped by eastern adventurers, journalists, and performers like Buffalo Bill Cody, and the Concordia Heritage Association is replicating what Cody did over a century ago, capturing mainstream audiences with fantastic stories of outlaws, western heroes and conquest.

Chapter One

Concordia Cemetery: A Warehouse of History

Hugh and Juana María (Ascárate) Stephenson established San José de Concordia el Alto in 1854. The chapel represented the first American religious institution erected north of the Rio Grande and the cemetery constituted the first private family graveyard that evolved to reflect class distinctions and the social structure of El Paso, Texas. Local historians recognize the Stephensons as the first pioneering family, and their estate Rancho Concordia (also known as Rancho Ascárate or Stephensonville), as the first Anglo American settlement north of the Río Grande. The Stephensons first established roots on the east bank in 1830 during the Mexican period and as a result of the Camino Real de Tierra Adentro trade routes their estate—located on a well-traveled fork—developed into a thriving business that consisted of agriculture, orchards, vineyards, cattle, and a mercantile store. In addition to the hacienda, chapel and cemetery, a community of Mexican laborers and their families lived and worked on the land and tended to the needs of the merchant and mail coaches that passed through or stayed overnight. In the 1880s the Stephenson-Ascárate offspring sold portions of the cemetery to the wealthy families of the region, as well as to the Catholic Church, and the City and County of El Paso, and they opened the cemetery to the public. People traveled from the surrounding areas to inter their family members at Concordia. One hundred-fifty years later, Concordia Cemetery has been

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38 Hugh Stephenson grew up in Concordia, Missouri and he named the estate Concordia because he had fond memories of his childhood.

39 Anglo, Anglo American, and white are used interchangeably to describe the men and women that migrated to conquered territory after 1848. Anglos in this work defines the free-will American individualist that Frederick Jackson Turner identifies as having emerged as he/she traveled to the west and shed their European traditions, and in the process, developed uniquely American characteristics.

40 The four Caminos Reales (Royal Roads or Royal Highway) were established over existing indigenous routes and were known as: El Camino Real de los Tejas, El Camino Real California, El Camino Real Yucatán, and El Camino Real de Tierra Adentro. The Tierra Adentro route was roughly a 1500 mile stretch—from Mexico City to Santa Fe—the longest of the four roads.
transformed into a living museum where the past is relived and the famous and infamous are brought to life on burial grounds (see illustration 1-1).

One can detect settlement patterns, such as villages, rural communities, and urban centers when researching cemeteries. Domestic or community burial grounds were the most common during the early settlement period as well as small burial sites, which lined the Camino Real de Tierra Adentro route, as travelers making their way to commercial centers died of exhaustion, Indian attacks, disease, or for unexplained reasons. Population growth along the Río Grande influenced the establishment of the Old San Elizario Cemetery in the 1770s, next to the San Elizario mission. It served the nascent communities of this region and it is where Indians, mestizos, soldiers, clergy, and migrants were laid to rest. When the river shifted its current, the area repositioned on the east bank included cemetery land, and it also became part of U.S. territory. Anglos never recognized this cemetery as an American institution, and in 1871, District Judge Simeon Newcomb ordered it closed. This graveyard stored one century of history. Tombstones or visible graves no longer exist on that land; however, a historical marker stands by the road which serves as a reminder of the past and to commemorate the people that helped build San Elizario, Texas.41

Some corpses reveal their stories through their grave markers or tombstones and the size of their burial space. Other corpses lay unmarked and subsequently harbor secrets about their existence. Anthropologists Kenneth Jackson and Camilo Vergara insightfully point out that “death imitates life.” The tombs and the area where the body is interred reveal what place in society the dead occupied during their short time on earth: were they wealthy, notorious, religious, in the military, or working class, or are the graves unmarked? U.S. graveyards “reflect

41 www.epcounty.com. The surrounding communities ignored Newcomb’s orders and continued to utilize San Elizario Cemetery to inter their dead until 1896.
the heterogeneity” of American society and they are typically established for the living as they primarily reflect the social structure of the survivors.\footnote{Kenneth T. Jackson & Camilo José Vergara, \textit{Silent Cities: The Evolution of the American Cemetery} (New York: Princeton Architectural Press, 1989), 39-41.} The families of the wealthy want to tell their living history by placing ostentatious tombstones on the graves of their departed, while the disenfranchised bodies and the nameless remain obscured.\footnote{Katherine Verdery, \textit{The Political Lives of Dead Bodies: Reburial and Postsocialist Change} (New York: Columbia University Press, 1999), 27-8.}

With the expansion of settlements, the rural cemetery eventually became crowded with tombs, and as time passed, neighborhoods grew around them. The concern for trees, flowers, natural landscapes and the open air, symbolic of rural cemeteries, diminished.\footnote{Arnold R. Alanen and Robert Z. Melnick, ed., \textit{Preserving Cultural Landscapes in America} (Baltimore: The Johns Hopkins University Press, 2000), 90-2.} In modern-day society, burial grounds serve a purpose greater than just a place to inter and visit the dead. Preservation groups have found other uses for cemeteries given that throughout the U.S. graveyards have suffered neglect, vandalism, and even abandonment. Concordia Cemetery experienced vandalism and illegal activity for a century and, at one time, the community referred to it as “El Paso’s eyesore” and as “a city of forgotten dead” until the 1960s.\footnote{C.L. Sonnichsen, “The Grave of John Wesley Hardin” \textit{Password} Vol. XXII, No. 3 (Fall 1965), 91-108.} Utilizing burial grounds for more than just a necropolis has become a common practice throughout the United States.

During day time hours, “cemeteries are not landscapes of fear, they are playgrounds,” and all sorts of family and community-oriented activities take place in them. In addition to the customary uses such as to pay homage to the departed, to record biographical data, to make rubbings of old tombstones, or to study material culture, cemeteries are used for public entertainment. People play chess or cards there, they use the paths to go jogging or bicycling,
and families even have picnics next to their ancestors or next to famous corpses.\textsuperscript{46} Furthermore, cemeteries are now places where Americans present and celebrate local, regional and national history, as leaders express a responsibility to commemorate the men and women that contributed to the growth of their communities.\textsuperscript{47}

The Stephensons lived three miles east of the city of El Paso and when they established the cemetery it stood in the outskirts of town, therefore, Concordia was once defined as a rural burial site. Geographer David Sloane suggests that rural cemeteries were viewed as secure places where families “could be sure that the remains of their loved ones would not be moved, abandoned, or vandalized [and also] to honor, strengthen, and maintain the family” unified, even after death.\textsuperscript{48} Hence, Concordia Cemetery represented the first Anglo American burial site owned by the locally influential concerned with the burial of their families. Rural cemeteries were known for their picturesque natural landscapes and Rancho Concordia and the cemetery were characteristic of the fertile, green settings that defined rural graveyards given that an abundance of orchard trees, vineyards, and agriculture were grown on the land. Simeon H. Newman, editor of the \textit{Lone Star} newspaper, recognized San José de Concordia el Alto as “the prettiest cemetery in the country.”\textsuperscript{49} Tracing the Stephenson-Ascárate lineage and utilizing Concordia Cemetery as a lens to view the past demonstrates that El Paso’s elite achieved economic success—decades before the arrival of the railroad—as a result of the long-established Mexican economic and social networks and through communal practices, tenant farming, and a large labor force.

\textsuperscript{47} Jackson & Vergara, 5.
\textsuperscript{49} Patrick Rand, “Concordia Cemetery” \textit{Password}, Vol. 40, No. 1 (Spring 1995), 3-16; \textit{Lone Star}, 1883. Newman published a weekly edition from 1881-1886 and also published the newspaper \textit{Thirty Four} in Las Cruces, New Mexico before 1881.
Historical records demonstrate that Paso del Norte and the areas directly north and south of this region were permanently occupied by settlements since before the eighteenth century. Explorers detected villages between el Río del Sacramento, Casas Grandes, and Paso del Norte (also known as Passo, and after 1859, El Paso) consisting of “missions, estancias and haciendas.” Primary documents including marriage and baptismal records place permanent settlements in the region by 1678, although other data points to an earlier period with the establishment of the mission *Nuestra Señora de Guadalupe de los Mansos* in 1659. The sedentary Indian tribes that inhabited this area consisted of Mansos, Sumas, Jumanos, Piros, Tanos, as well as Apaches who traversed vast amounts of territory.\(^{50}\) As a result of the Pueblo Revolt of 1680, ecclesiastics, military troops, settlers, and some Indian groups fled to Paso del Norte and remained there under the leadership of Governor Otermín. Similarly, in Casas Grandes and the surrounding areas, the Indian groups there waged war against the Spaniards also retreated north to Paso del Norte to reorganize and counter attack. Paso del Norte became a haven for Spanish soldiers and settlers fleeing counter-hegemonic movements that resulted from conquest and colonization. Eventually, the Indian groups were forced to relocate to unsettled regions and Spanish law and commerce became firmly entrenched with the establishment of the Camino Real trade routes.\(^{51}\)

The Spanish Crown legitimized Paso del Norte as a Villa in 1683.\(^{52}\) A large population of sedentary Indians already lived at the mission *Nuestra Señora de Guadalupe* and with the added demand of new settlements placed a burden on the natural resources. Meanwhile, the Apaches continued their relentless raiding and hostage taking, which forced Spanish leaders to

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\(^{50}\) The Tigua Indians made up part of the almost two thousand refugees that fled to Paso del Norte during the Pueblo Revolt and remained permanently after Otermín returned to New Mexico in 1692. The Tiguas established their community in the Ysleta area and were later granted a large tract of land by the Mexican government.


\(^{52}\) A Villa is defined as a cluster of 30 families or more living in a community that included a church, a plaza, water and production, and a government and public administration.
petition the Crown for permission to move the community from the region. Their requests were denied, however, and in 1685, leaders received orders to remain in Paso del Norte. The Crown sent a considerable amount of money to have a bridge built and defense walls to alleviate the pressures caused by raiding and for the construction of an irrigation system for planting. The bridge represented the first structure that connected the land masses north and south of the Río Grande. Historian W. H. Timmons describes the bridge as being “over five hundred feet long and seventeen feet wide, supported by eight Caissons and a bed of crosspoles,” and it facilitated the passage of the yearly caravans that transported merchandise, mail, families, clergy, and animals from Mexico City to Santa Fe, via Paso del Norte.53

The Crown gave jurisdiction over the settlements to the New Mexican government and designated Paso del Norte as a “safeguard” between Nueva Vizcaya and New Mexico. Clerics, families, and laborers migrated with the yearly trade caravans (conductas) on the Camino Real de Tierra Adentro and Paso del Norte became the hub of a new district that played a vital role in the development of the northern Southwest. A military post (presidio) and chapel in San Elizario (San Eleceario) were established in 1788, and by 1805, a school census shows that a public school system was entrenched and children predominantly of “mestizo y indio” heritage ranging from ages seven to fifteen, were being taught to read and write.54

Although the Stephenson-Ascárate family settled north of the Rio Grande in 1830 the Ascárate roots date back to the 1760s. Ignacio Azcárate and his family migrated to northern

54 Ibid., 53-59; New Mexico State Records and Archive Center (NMSRAC), Spanish Archives of New Mexico, school census, “Passo, 31 Diciembre de 1805,” roll 15, frame 1140. The census taken was for the “Provincia del Nuevo Mexico, Jurisdiccion del Passo del Rio del Norte” and included Passo, Real (San Lorenzo), Senecú, Ysleta, and Socorro.
Chihuahua from Spain to claim a large expanse of land (later identified as the Ascárate Land Grant measuring 13,000 acres and the Concordia tract measuring 900 acres) awarded to the Azcárates by the Spanish Crown during the 1750s in appreciation of their military service.\textsuperscript{55} In addition to owning vast amounts of property don Ignacio and his two sons, Antonio and Juan, had mining interests and provided smelting services in Casas Grandes, Corralitos and Janos. They also operated a lucrative business in trade on the Camino Real de Tierra Adentro (see Chapter Two). Juana María Ascárate, the oldest daughter of Juan Ascárate, married Hugh Stephenson in 1828 and they subsequently established Rancho Concordia on land given to them by her father Juan. Hugh and Juana María had seven children and, like Juana María, they grew up in a business-oriented environment.\textsuperscript{56}

Moreover, historical events such as the wars for Mexican Independence (1821) incited a huge migration of Mexicanos to the Northern provinces.\textsuperscript{57} Countless numbers of Mestizos settled permanently in Chihuahua and New Mexico, and points in between, while the Mexican government awarded a considerable number of land grants (\textit{merced}) in New Mexico and Chihuahua to prominent individuals, military officers, and to groups for communal use. The working classes, which comprised the majority of the migrants, were hired to labor the lands, they worked as ranch hands, or they were hired by caravan masters to fill the numerous task-oriented duties generated by trade. In addition to the Mestizo families that settled in this region, hundreds of Anglos from Missouri and other eastern states joined the trade industry when Mexico opened its borders to foreign markets. In 1822, Anglo merchants inaugurated the Santa

\begin{itemize}
\item The Spanish government usually awarded land grants to soldiers who had served loyally, five consecutive terms, of five years each term, in the Spanish Army.\textsuperscript{55}
\item The seven children born to Hugh and Juana María were: Horacio, Hugo Jr., Alberto, Margarita, Benancia, Leonora and Adelaida.\textsuperscript{56}
\item King Carlos III issued a “real cédula” in 1776 establishing the Provincias Internas which comprised of Nueva Vizcaya, El Nuevo Mexico, Coahuila, Tejas, Las Californias, Sonora and Sinoloa.\textsuperscript{57}
\end{itemize}
Fe Trail route which connected Missouri to New Mexico and then linked up to the Chihuahua Trail (formerly known as the Camino Real de Tierra Adentro route).\(^{58}\)

As the population increased in Paso del Norte, settlements expanded north towards the river. Northern expansion explains why the City of El Paso is not designed like a traditional Spanish civil pueblo, customarily plotted in a rectangular shape with the church/mission and plaza at the center, and the housing community constructed around the plaza and church.\(^{59}\)

Between 1820 and 1840, the northern regions of Paso del Norte, including San Elizario, Ysleta, Socorro, and Sinécú grew exponentially, and in 1829, destructive floodwaters cut a new channel and redirected the river which partially placed San Elizario, Ysleta, Socorro, and a portion of Sinécú, north of the river. In 1842 the channel shifted its course once again and permanently repositioned these clusters on the east bank of the Río Grande along with over five thousand inhabitants.\(^{60}\) Paso del Norte communities never treated the river as a dividing line although some northern sections had been newly separated by flood waters, people continued to function as an extended society.

Local historians point out that only after the U.S.-Mexico War (1846-48) and an influx of Anglo Americans reached the northern borderlands region did settlement patterns began to take root on the east bank of the river. Anglo Americans—whether they were soldiers, traders, adventurers, or writers—comprised the occupying factions that flooded the southwest and they arrived armed with Manifest Destiny ideals, determined to seize the fertile lands and resources

\(^{58}\) NMSRAC, Benjamin M. Read Collection, Serial #8417, folder 5. When Mexico gained independence, the government awarded land grants to many wealthy mestizo families that had established roots in the northern regions since the colonial period but were not of pure Spanish blood.


that lay north of the river. Anglo Americans successfully accomplished what they set out to do and in the process, incited many regional wars, conflicts, and resistance movements, as well as the forced repatriation of hundreds if not thousands of ethnic Mexicans across the river into Mexico. The conquering Anglo exterminated many Mexicans particularly along the Texas Río Grande Valley, New Mexico, and California; sometimes just because they were living on conquered territory. As a result of acts of repatriation and genocide, the myth of low population density, the vacant, unexplored territory or frontier, and tales of heroes that helped civilize occupied lands have become vital narratives of American history. Historian Michel-Rolph Trouillot observes that there is power in the production of history and as scholars, politicians, and leaders invent a historical past they create silences of facts and they utilize this power to produce historical narratives that also silences voices and erases the presence of individuals.61

The conquest of the Mexico initiated the invention of our region’s historical past. Invented traditions have since been carried over into the graveyard and cemeteries have served as resources where invented history is relieved year after year through the celebration of American holidays and its heroes. Historian Eric Hobsbawm explains that the invention of traditions occurs when,

>a rapid transformation of society weakens or destroys the social patterns for which ‘old’ traditions had been designed, producing new ones to which they were not applicable, or when such old traditions and their institutional carriers and promulgators no longer prove sufficiently adaptable and flexible, or are otherwise eliminated: in short, when there are sufficiently large and rapid changes on the demand or the supply side.62

Invasion and colonization of the southwest caused rapid changes in social, cultural views as well as economically. Long-established practices during the colonial and Mexican periods were no

61 Michel-Rolph Trouillot, *Silencing the Past: Power and the Production of History* (Boston: Beacon Press, 1995), 48-9. By “silence” Trouillot means “an active and transitive process: one “silences” a fact or an individual as a silencer silences a gun. One engages in the practice of silencing. Mentions and silences are thus active, dialectical counterparts of which history is the synthesis.”

longer “adaptable” to the conquering populations and were rapidly replaced with Anglo American customs. The eternal residents in burial sites are the thread that provides the most relevant historical sources and they denote changes in the social, economic and political spheres as they occurred throughout the decades. Cemeteries offer a space for people to celebrate history and to uncover aspects of history that have been hidden from the immediate view, and like palimpsests, silent histories lie just below the surface.63

When Juana María Ascárate de Stephenson died suddenly in 1856, her body was the first to be buried in Concordia Cemetery. Juana María occupied an important cultural and economic role as a pioneering woman of Mexican descent and she held ties with the wealthy from Paso del Norte and El Paso and her ties extended into Missouri through Hugh’s family and economic networks. Her death placed a big responsibility on her daughters who were left to preserve her memory and reputation as a matriarch and business woman (see Chapter Four). The Stephenson-Ascárate women inherited hundreds of acres of Concordia land and in the 1880s they sold a great deal of their holdings to different businesses and private individuals. The Pacific railroad also purchased Concordia property and they laid their tracks on land currently located on the other side of the interstate, the original location of the Rancho Concordia hacienda and the San José de Concordia El Alto Chapel.64 Between 1883 and 1898 all fifty-two acres of the Concordia Cemetery—where it currently stands—were sold to both private and public entities and there are currently twelve separate owners that claim portions of the cemetery, which sets it apart from any other cemetery in the United States. Small private cemeteries are contained within a limited

63 José Carlos Hernández Aguilar, Revolución en el panteón: La historia oculta del Viejo Cementerio de la Regla (Chihuahua: Instituto Chihuahuense de la Cultura, 2006), 18-19.
space that is restricted from further growth by a rock wall, the surrounding neighborhoods, and the interstate.\footnote{Rand, 6-9. As of 1995 the owners of Concordia Cemetery are as follows: B’nai Zion Orthodox Hebrew Congregation, 1.5 acres; Catholic Diocese of El Paso, 18.67 acres; Chinese Benevolent Society, 1.023 acres; City of El Paso, 2.0 acres; County of El Paso, 5.0 acres; Dooley Heirs, 2.224 acres; French Heirs .25 acre; El Paso Lodge #130, A.F. & A.M., 3.65 acres; Mount Sinai Association, 3.698 acres; Mundy Heirs, 3.412 acres; El Paso Lodge #284, I.O.O.F., 1.38 acres; and Walker Heirs, 10.076 acres. 52.473 total acres.}

It is calculated that over 65,000 bodies are buried in Concordia since records were officially kept in 1873. Investigating the history of the Stephenson-Ascárate family suggests that hundreds of people were interred in Concordia after Juana María died. Many were buried in mass graves, many lay in nameless or unmarked graves while many others were buried in paupers tombs.\footnote{Concordia Cemetery Records, Vol. 1-10, 1873-1949, compiled by Dorothy R. Diamond-Collier, El Paso, Texas, 1982. Ms. Collier prepared the volumes from the original ledger; however, the Catholic Diocese began to keep records until 1912.} The private sections store the remains of individuals who migrated to El Paso from different parts of the United States, Europe, and China. Diverse religious and social backgrounds are visible and identifiable through the size and style of their tombstones as well as through divisions made by walls or iron gates within the larger protecting rock wall that surrounds the fifty-two acre tract (see illustration 1-2).\footnote{www.thc.state.tx.us. Under Chapter 712 of the Texas Cemetery Laws, private cemeteries are required to provide perpetual care and maintenance to their burial grounds, therefore, the Concordia Heritage Association is not under obligation to care for those private sections that are unkempt even if they are neglected and an eye sore (the association advertises in their newsletter that they are willing to care for them for a fee, however).}

The wealthier of the ethnic groups that migrated to El Paso before 1880 were of Jewish faith. They originally entered the United States through Ellis Island, New York and made their way west like most U.S. easterners.\footnote{The Jewish population originated from Lithuania (still part of Russia in the 1870s), Prussia, Russia, Germany, Poland, Hungary, Czechoslovakia, Austria, and Sweden.} Jewish men saw economic opportunities in El Paso just like Anglo immigrants and they detected the possibilities that existed due to its geographic location as a main thoroughfare and because trade networks extended across the international boundary and into Mexico. Jewish migrants maintained close ties with their kinfolk and once a
member became economically stable, parents, siblings, uncles, aunts, and cousins followed soon after and worked for the advancement of the family business. Jewish people typically married within their own religious group and those that married outside the growing Jewish community usually converted to Christianity. Local historians identify Samuel Schutz as being the first Anglo migrant of Jewish faith to arrive in El Paso in 1854. He opened a mercantile store in a building he purchased on San Francisco Street, and his brothers Joseph, Max and Adolph joined him soon after.69

Jewish businessmen profited from the economic networks that existed between Las Cruces, New Mexico, El Paso, Texas and Chihuahua, Mexico. This region could be classified as a tricommercialized zone since foreign merchants that settled in the area opened branches of their stores in Ciudad Juárez and Chihuahua City and they depended on the commerce and production from each district for growth. Although scholars attribute El Paso’s progress to the American economy and to the arrival of the railroad in 1881, local histories have inadvertently demonstrated that by the time the railroad arrived numerous Anglo immigrants, Jewish men among them, were already quite wealthy and politically affluent as a result of the well-connected commercial intersection. In any case, Jewish businesses included clothing stores, dry goods, grocery stores, and hardware, real estate, insurance, and jewelry sales and merchants relied on the consumer and their dollars and pesos for continued growth. Two of the biggest and oldest

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departments stores first established in El Paso were Popular Dry Goods and the White House, both of which were founded by Jewish families.\textsuperscript{70}

Furthermore, Jewish immigrants cherished the religious freedoms they experienced in El Paso, a privilege few of them enjoyed in their native countries. The first death in the Jewish community compelled them to purchase cemetery land in 1885, which lead to the formation of the Jewish cemetery association. In 1887, out of a need to be more than just a cemetery association, thirty-two Jewish businessmen formed the Mt. Sinai Association and started a fund that would ultimately lead to the construction of the first Temple Mt. Sinai, completed in 1898. The association currently owns 3.698 acres of private cemetery land and B’Nai Zion Orthodox Hebrew Congregation owns 1.5 acres; both cemeteries are adjacent to each other. Many of the original members that belonged to Mt. Sinai Association founded the B’Nai Zion temple; however, since their founding, Temple Mt. Sinai has become a more reformed religious institution while B’Nai Zion has remained a conservative congregation.\textsuperscript{71}

In 1887 the Mt. Sinai Association hired a crew to divide the cemetery into lots and plats. As the men were setting the boundaries they encountered several paupers’ tombs. The association voted to have the bodies removed from their private cemetery although there is no indication if the remains were relocated to one of the public sections, or if the remains were discarded.\textsuperscript{72} The pauper corpses that were unearthed by the Mt. Sinai staff validate the notion that Concordia Cemetery was much larger than fifty-two acres when the Stephensons first established the burial site in 1854. Concordia consisted of a vast territory and the land was not divided into plots when Mexicanos worked for the Stephenson-Ascárate, and subsequently,

\textsuperscript{70} Fierman, vii-100. Schutz reportedly founded the first street railway system, the Old Mule Line that crossed into Ciudad Juárez (still Paso del Norte) and he helped bring the electric line to the city which arrived in 1883.
\textsuperscript{71} www.congregationbnaizion.org; www.templemountsinai.com.
\textsuperscript{72} Fierman, vii-100; Rand, 6. In 1884 the county bought one acre of cemetery land which was designated for paupers.
when one of their family members died they buried them in domestic burial sites which were eventually abandoned after the Stephenson-Ascárate women had the Concordia tract divided into individual parcels and sold off as real property. Mt. Sinai members may have identified the burial sites as pauper’s burials due to the age of the grave and the wear and tear caused by the elements. In the past, ethnic Mexican people traditionally used wood crosses as markers because wood was cheaper than wrought iron, cement, or granite markers, and with the passage of time, the crosses may have blown away or disintegrated.

A significant number of pioneering Jewish families are buried in the private burial grounds located within the Concordia Cemetery walls. The B’Nai Zion section has an impressive monument made out of marble “dedicated to the memory of six million Jews killed by the German Nazis during World II.” The monument is inscribed on one side in Hebrew and on the other, in English. In an area behind the monument the congregation has buried old bibles, prayer books, prayer shawls, and “phylacteries” or small boxes of parchment, and they had a marker in the form of an open book placed on top. The B’Nai Zion Congregation has made it its mission to educate the youth about the Holocaust and they work in conjunction with the El Paso Holocaust Museum to honor those that died in the Holocaust as well as those that survived (see illustrations 1-3, 1-4).

The Jewish men of El Paso are also recognized with founding the Shriners, Elks, and Masonic organizations. Although these organizations are religious in nature, they are not biased or bound to any one religion. Two Masonic organizations purchased Concordia Cemetery land in

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73 Sloane, 15.
1886: El Paso Lodge #130, A.F. & A.M. owns 3.65 acres and El Paso Lodge #284, I.O.O.F. (Odd Fellows) owns 1.38. The Odd Fellows disbanded over three years ago, however, and they legally transferred ownership of their cemetery to Lodge #130. The Masons as well as the Jewish communities still bury their dead at Concordia and they have access to their private cemeteries to perform their ceremonies and rituals as often as they have the need to do so (see illustration 1-5).76

The El Paso/Ciudad Juárez community never treated Jewish immigrants as refugees or as ethnic minorities. They were accepted and respected as a business-oriented group that created a social and economic niche for themselves since their arrival. Local Jewish history highlights its heroes and the successes of the men and women that established roots in this county. At Concordia Cemetery, the tombstones and monuments provide the Jewish community a “visual record” of their past. They commemorate their descendants through private religious and national celebrations and the temples and written historical narratives validate their existence, which demonstrates that they have power over their past and will not be silenced by the cemetery association or by anti-Jewish groups that also hold power over the production of history.77

After 1848, Anglo Americans from numerous eastern states migrated to the borderlands and many of those that established permanent residence in El Paso prospered in their ventures. The Mundy brothers—George, H.M., L.L., and John J.—who migrated from New York, founded a lucrative business in raising and exporting cattle, horses, and sheep to Chihuahua, Mexico and other Mexican states, and they also satisfied the local demands for meat and animals. The Mundy’s invested extensively in real estate and in the 1880s they developed two

76 Telephone conversation with Mr. John Wood, Secretary for Lodge #130, November 2013. Mr. Wood explains that in order to be accepted to the fraternity, a member has to petition to the board and then they vote on it. The main requirement is that they “have a good memory.”
residential subdivisions: Sunset Heights and Mundy Heights. In 1884 John Mundy bought forty-three acres of Concordia Cemetery land from one of the Stephenson-Ascárate women, and in 1898, he sold portions of his holdings to the Catholic Church, the Jewish Community, and the county. When Mundy died in 1919 he still owned eighteen acres and the rights to the name “Concordia Cemetery.” The Mundy’s are resting in their family plots at Concordia in what is known as the Protestant Section (3.412 acres). John Mundy and his wife never had children; however, the Mundy brothers, their wives and several nieces and nephews rest alongside them (see illustration 1-6).78

After Mundy died, his estate sold numerous gravesites to other individuals that the association commemorates for having made significant contributions to the growth of El Paso in both the social and economic spheres. Among them include: Dr. Franklin P. Schuster, chief surgeon of ASARCO and founder of Providence Memorial Hospital and his wife Eugenia Schuster, who organized the Woman’s Club of El Paso and is recognized for bringing numerous opera singers to perform in El Paso; George Look, a rancher who introduced the Black Angus cattle to the area, lived in a big ranching estate in Casas Grandes, Chihuahua, he helped build the Paso del Norte Hotel, and he owned the Gem Saloon and several houses of ill-repute on Utah Street; Josiah Crosby, county judge and brother to Stephen Crosby, land commissioner in Austin, Texas, who helped Josiah and Horace Stephenson acquire the Ascárate Land Grant in 1858; James P. Hague, instrumental in acquiring all the land needed by the railroads, forcing many people of Mexican descent from Ysleta and San Elizario to sell their lands, he trained as an attorney and served in many political positions in El Paso throughout his lifetime; James H. Biggs, a border patrolman and rancher whose son served as a WWI pilot, and in honor of his service, leaders named Biggs Army Air Field after him; Richard Caples, former mayor and

78 www.genealogymagazine.com; Rand, 6-7.
engineer of the Caples Building; and Joseph Sweeney, former county judge and mayor who helped establish the first paid fire department in El Paso.\textsuperscript{79}

In 1923 the Mundy estate sold an additional section to the Masonic Lodge, who in turn sold a portion of their holdings to Saad Shaheen who converted his acreage into a commercial property and sectioned it off from the rest of the cemetery.\textsuperscript{80} The name Concordia Cemetery and many more acres were sold to William R. Walker who operated the cemetery until 1958. Mr. Walker sold just over two acres to K. M. Dooley who assumed care of the cemetery after Walker left (or passed away), until 1966.\textsuperscript{81}

The smallest of the private sections measuring .25 acres belongs to the Stephenson-French heirs. This burial site is the most important one-fourth parcel of the entire 52-acre cemetery and the only portion of the original 900-acre tract still owned by direct descendants of Hugh and Juana María Stephenson, the founders of Rancho Concordia and San José de Concordia el Alto Cemetery. Benancia Stephenson-Ascárate, her husband Albert French and their offspring rest eternally there. Benancia is the only one of the seven Stephenson-Ascárate children buried in Concordia and this private cemetery warehouses an enormous amount of history that few people are familiar with. The cemetery association has placed a symbolic tombstone in Juana María’s honor by the main entrance of the cemetery given that the exact location of her remains is unknown and one of the streets within the cemetery grounds is named Stephenson. \textsuperscript{82} However, the Stephenson-French section is neglected and appears to have been

\textsuperscript{79} Underwood, 13-15; http://dnn.epcc.edu/nwlibrary/borderlands/19_concordia.htm.
\textsuperscript{80} The area is currently known as Casa Carpet.
\textsuperscript{81} Rand, 8-9. Mr. Dooley lived in the caretaker’s house located at 3621 Gateway West. After Dooley retired and moved to Farmington, New Mexico, Robert Narzinsky became caretaker and moved into the house.
\textsuperscript{82} The dates engraved on the stone are incorrect, however. Juana María was born on February 8, 1809 and she died on February 6, 1856 (two days before her forty-seventh birthday). The inscription on the tombstone shows that Juana María was born on February 8, 1800 and died on February 5, 1857.
abandoned by the heirs, and since it is a private cemetery, the association is not obligated to care for it (see illustration 1-7).

Benancia and her siblings, along with their spouses, sold hundreds of acres of land to Anglo immigrants, including the Mundy’s and the Schutz’s, and they were directly involved in the development of Concordia as a neighborhood and a district. The Concordia Heritage Association shares little history about Hugh and Juana María (Ascárate) Stephenson and the importance of Rancho Concordia as the first Anglo settlement, and even less is conveyed about the power held by the Stephenson-Ascárate women and men who contributed significantly to the growth of El Paso and its history (see illustration 1-8). This work unearths the role that the Stephenson-Ascárate’s played in the economic advancement of Anglos that migrated to this region (see Chapters Three and Four). More importance is placed on those foreigners that presumably helped civilize El Paso, rather than on the local Mexican and Mexican American elite who lived and thrived here since before the Mexican period.

Nevertheless, not all foreigners that enjoyed economic success after 1848 were of Anglo American or European heritage. The remains of numerous Chinese, Chinese American, and Chinese Mexicans rest eternally in a private section of the cemetery purchased by the Chinese Benevolent Society in 1886 (1.023 acres).\(^\text{83}\) Chinese men arrived in 1881 when the Southern Pacific railroad reached the tricommercialized zone, and while many remained, others continued eastward with the Pacific railroad. Those that stayed identified business opportunities, tapped into the Mexican economic networks and also opened branches of their businesses in Ciudad Juárez.\(^\text{84}\) The Chinese community negotiated in the social and economic spheres adding a third

\(^{\text{83}}\) Rand, 6. Lee Ching Cong is listed as having purchased the cemetery for the Chinese community.

\(^{\text{84}}\) Anna Louise Fahy, “Borderland Chinese: Community, Identity and Cultural Change” (M.A. Thesis, University of Texas, El Paso, 2006), 1-5. Fahy suggests that Chinese rail workers were usually not related but they were mostly of Cantonese origin from four counties of the Kwangtung region located in south China.
cultural element with the Chinese language and their customs into an already culturally diverse environment that navigated between the Spanish and English vernacular.

Historian Frank Halla argues that a Chinatown took shape in El Paso given that the Chinese had a monopoly on laundries, Chinese restaurants or “chophouses” and opium dens. They also opened herbal shops, dry goods stores and groceries and they cultivated their own fruits and vegetables, while Chinese imports arrived via the Pacific railroad from San Francisco. Most railroad workers that stayed in El Paso lost their jobs, so many worked in Chinese-owned businesses and lived in dwellings they rented from Chinese owners who also lived adjacent to their businesses, which led to the emergence of a Chinatown district. Chinese men were willing to do most any job, however, and also sought employment in construction, manufacturing, and agriculture, or as transient workers, which put them in direct competition with Mexican laborers that filled the same type of positions. Nonetheless, the El Paso business community regarded Chinese people as “industrious, law-abiding, and useful.”

An alternative view of the Chinese community in El Paso is offered by historian Anna Louise Fahy. She points out that a traditional “Chinatown” district like those that developed in Los Angeles and San Francisco did not take shape in the El Paso/Ciudad Juárez metropolis given that Chinese people established roots in both countries, they traversed freely between borders, and because they worked and lived throughout the El Paso County area and did not concentrate in a defined geographic space.

The passage of the Chinese Exclusion Act in 1882 eventually affected the Chinese communities living in the El Paso area. The law prohibited future immigration of Chinese groups into the United States, although those that were already living in the U.S. in 1882 were

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In 1984, archaeologists engaged in a project to excavate parts of the downtown area unearthed Chinese material culture that dated back to the 1880s. They also encountered underground tunnels used to smuggle undocumented Chinese laborers into the U.S. through Ciudad Juárez. The Chinese Line Riders of the Customs Department suspected illegal activity coming from an adobe building located on the corner of Mills and Oregon that at one time accommodated at least one hundred men.

As a whole the Chinese laborers that arrived in the 1880s did not leave a paper trail. With the passage of the Chinese Exclusion Act, undocumented Chinese workers moved around considerably, never remaining in the same place for long periods. Chinese businessmen on the other hand, established roots in El Paso and Ciudad Juárez, and a reported Chinese population numbering 225 lived in the El Paso County area in 1890. A large Chinese-Mexican population grew as a result of intermarriage and a strong business community in both El Paso and Ciudad Juárez has flourished from that union.

The Chinese Benevolent Society had a protruding rock wall built around their private burial grounds in Concordia, which gives it the sense of exclusivity. In the last two years, the society has made improvements to their cemetery and started replacing the old grave stones with granite raised-top markers inscribed with Chinese symbols (see illustrations 1-9, 1-10). The Chinese community in El Paso has forged a place in this region’s history and they procured a

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88 Fahy, 45-66.
89 www.tshaonline.org.
space for their families to lie eternally in peace. This cemetery is considered to be the only private Chinese Cemetery in Texas.90

Other eternal residents interred in Concordia migrated to this area mostly as a result of historical events that were outside their control or they were in search of jobs. War is one reason for immigrant movement and the public sections of Concordia Cemetery owned by the City, County, and the Catholic Diocese warehouse groups that were victims of war or they migrated to the southwest as a result of their participation in war. The El Paso/Ciudad Juárez region has had a long history of military presence and has been directly affected as a community by numerous local, regional, national, and international wars, conflicts, and rebellions. Among the battles that affected this region were the U.S.-Mexico War (1846-1848), the Civil War (1861-1865), the El Paso Salt War (1877), the Spanish-American War (1898), the Mexican Revolution (1910-1920), World War I (1914-1918), World War II (1939-1945), the Korean War (1950-1953), and the Viet Nam War (1956-1975). Concordia houses the bodies of soldiers, veterans, politicians, victims, and refugees that were in one way or another affected by warfare.

A war memorial located on Concordia Cemetery grounds commemorates the sacrifices made by the Buffalo Soldiers during the Civil War and for their efforts in “taming” the frontier when the war ended. The Buffalo Soldiers were primarily stationed in New Mexico, but evidence indicates that Buffalo Soldiers were garrisoned in Magoffinsville and Camp Concordia from 1864-1876. They traversed Indian country from New Mexico to southwest Texas to California in pursuit of the Mescalero and Apache tribes after the war. The memorial is of particular importance because the Buffalo Soldiers were of African American heritage and they remained an “all-black” regiment from 1864 to 1900. They served in both the Confederate and

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90 Dr. Martha Deen Underwood and Hamilton Underwood, Concordia: El Paso Walking Tour (El Paso: Regency Printing, Inc., 2010), 46. Deen Underwood suggests that Chinese funerals were a happy occasion and sometimes hired a band to accompany the procession.
Union armies—but mostly they fought for the Union cause—and they were both infantry and cavalry. Buffalo soldiers did not receive equal treatment, however, and they “endured poor housing, inferior animals, old equipment and racial prejudice.” In addition to fighting the enemy and subduing the Indians, black soldiers escorted trains and stage coaches, they built military roads and telegraph lines, they guarded water holes and railroad workers, and they served their country with pride.

When the Civil War broke out in 1861, Ft. Bliss was garrisoned in Magoffinsville. Confederate forces captured the fort and transferred its troops to central Texas. In 1862 the California Column retook the fort and many of the Confederate soldiers that died of wounds or illness were buried where the Public Library, the El Paso Museum of History, and Grover Park are now located. A large number of Confederate and Union soldiers are also buried in Concordia and the war memorial commemorates those who died in battle. James M. Mayo, professor of architecture and urban planning, suggests that a war memorial, “whether a statue, a place, or a building or a combination of these and other elements…is a social and physical arrangement of space and artifacts to keep alive the memories of persons who participated in a war sponsored by their country.” A war memorial also represents the passion that men and women demonstrated when they fought not only for their country but also for their rights and freedoms (see illustration 1-11).

92 Monroe Lee Billington, New Mexico’s Buffalo Soldiers: 1866-1900 (Niwot: University Press of Colorado, 1941), xv-xviii. The Mohr Hardware Store was located there before the city had the library built in its place.
93 Thomlinson, 12-14. The El Paso Public Library is allegedly haunted by the spirits of soldiers that were once buried on those grounds.
94 James M. Mayo, “War Memorials as Political Memory” Geographical Review Vol. 78, No. 1 (Jan 1988), 62-75; www.elbsmc.com. The El Paso Buffalo Soldiers Motorcycle Club is largely responsible for raising funds to pay for the memorial restoration project which was completed in 2009. The motorcycle club supports the preservation of African American history and the contributions made by the Buffalo Soldiers during the Civil War and the decades that followed.
Concordia Cemetery also houses refugees of war that were embroiled in battle without having a stake in the outcome. For instance, the Mormon exile section represents the exodus of more than 4,500 children, women, and men who fled from their communities in Chihuahua and Sonora during the Mexican Revolution. Mormon groups have had a history of being expelled from their communities in the United States due to their religious practices which included polygamy. As a result of the passage of laws that punished polygamists with fines and prison time, Brigham Young the leader of the sect, negotiated with the Díaz regime and bought hundreds of acres of land in northern Chihuahua and Sonora. The Mormons erected homes, schools, irrigation systems, and other forms of infrastructure soon after their arrival in 1885 and they lived and practiced their religion without interference from the government or the surrounding Mexican towns. The breakout of the Mexican Revolution disrupted the social harmony Mormons had achieved in Mexico and without the support they once enjoyed from President Díaz—unseated by rebel forces after having fraudulently won reelection in 1911—the Mormon colonies were targets of plundering and of rebel harassment, not due to their religious practices but because the country was at war.95

Train loads of Mormon families arrived in El Paso in 1912, each family carrying blankets and a trunk full of clothes. Their homes and all their material goods were left behind, although many held on to hopes of returning to their beloved communities when the Mexican Revolution came to an end. The citizens from both El Paso and Ciudad Juárez provided medical assistance, food, shelter, and other relief to the Mormons as they arrived, scared and helpless. In a matter of

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95 Fred E. Woods, Finding Refuge in El Paso: The 1912 Mormon Exodus from Mexico (Utah: Cedar Fort, Inc., 2012), 4-17. Mormon communities from Illinois, Missouri, Arizona, and Utah relocated to Chihuahua in the 1880s. President Abraham Lincoln passed the Morrill Anti-Bigamy Law in 1862 which punished polygamists with fines and prison, and in 1882, the Edmunds-Tucker Act stripped polygamists of their civil rights.
weeks, Mormon families relocated to other parts of the United States, including Utah, Arizona, and the Gila Valley.  

There are approximately sixty-four Mormon refugees interred in Concordia. The plots are arranged in two tiers: tier one holds adult men and women and in tier two lie stillborn and children (see illustration 1-12). Local historian Deen Underwood suggests that many of those buried in Concordia were victims of an influenza epidemic that infected them shortly after they arrived. Some two hundred Mormon refugees chose to remain in El Paso, however, and soon after their arrival they found homes and jobs and they were embraced by the community unconditionally. There are roughly 9000 Mormon members currently living in El Paso County and numerous Latter Day Saint Churches have been erected since the first groups settled here. The original Mormon group built their first church on Douglass Street in 1931. The section where the Mormons are buried is not a private burial space, nevertheless, the Mormon community as a result of historical events was incorporated into El Paso’s history and identified as refugees of war and a people that overcame adversity rather than as polygamists, which is how they were previously written into national history.

Large populations of people, consisting of mostly of Mexican descent, fled north across the border as a result of the social and economic turmoil caused by the Mexican Revolution. Included among those who fled when the Battle of Juárez broke out in 1911 were the offspring of Margarita Stephenson-Flores and Juana María Ascárate’s relatives. Some sought refuge with the Stephenson clan in El Paso County and others traveled to Doña Ana County where several Ascárate families lived. This group consisted of wealthy Mexican Americans that lived in Ciudad Juárez but maintained their U.S. citizenship as well as the Chihuahua elite that had

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96 Woods, 36-55. Mitt Romney’s father, George W. Romney, was 5 years old and on board one of the Mormon refugee trains that arrived in El Paso.
97 Underwood, 44-5; Woods, 54-5.
invested in the social and economic spheres in both El Paso and Ciudad Juárez. They eventually became permanent residents of the United States and are described by historian Víctor Manuel Macías González as the élite émigrés. Nonetheless, ordinary ethnic Mexican citizens on both sides of the border were caught in the line of fire and innocent people were killed; Mexican Americans that became victims of war are buried in Concordia. Furthermore, rebel leader and Mexican General Pascual Orozco and Victoriano Huerta, president of Mexico (1913-1914) were also laid to rest in Concordia. Texas Rangers killed Orozco near Sierra Blanca in 1915 and Huerta died of cirrhosis of the liver while under arrest at Fort Bliss also in 1915. Orozco’s remains were returned to his home state of Chihuahua in 1923 while Huerta’s relatives had his body moved to Evergreen Cemetery. The vault that housed their remains still stands in Concordia, however.

Concordia’s eternal residents comprise a wide range of ethnicities and backgrounds and many of the tombstones and monuments are defined by the deceased’s religious affiliation. In the past, graveyards and religion have been treated as interconnected topics by necrogeographers and the tricommercialized zone has a long history of religious importance due to the Spanish missions, established along the Camiono Real de Tierra Adentro in Ysleta, San Elizario, and Socorro, during the late seventeenth and early eighteenth centuries. In the 1830s, Catholic leaders designated Father Ramón Ortíz curate of mission Nuestra Señora de Guadalupe and he served the Paso del Norte area for over sixty years. Not only as cleric but also as agent for the Mexican government assigned to help relocate hundreds of Mexican people who were forcefully

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100 Underwood, 14.
repatriated during the colonization process after invasion. The Stephenson-Ascárate family befriended Father Ortíz and he often officiated mass in San José de Concordia el Alto Chapel. Father Ortíz gave his last mass at the chapel when Juana María died in 1856. Concordia Cemetery not only reflects the many religious denominations that exist in El Paso, it also stores the bodies of numerous past religious leaders. Reverend Joseph Tays founded the first Protestant Church in El Paso as well as the St. Clements Episcopal Church in 1881. He also sold real estate and served as county surveyor, which demonstrates that he was well-known among the religious community and among business circles. The Catholic Cemetery has designated a section to the Jesuit Order of the Society of Jesus and twenty-eight Jesuit priests rest eternally there. The order devoted their lives to missionary work in El Paso, in particular, they worked tirelessly to help the communities of the second ward (Segundo barrio), one of the oldest and poorest neighborhoods of El Paso. Father Carlos M. Pinto stands out as being instrumental in the construction of the Sacred Heart Church in El Paso and Iglesia Sagrado Corazón in Ciudad Juárez as well as influenced the construction of the Immaculate Conception, Guardian Angel, St. Ignatius of Loyola, St. Mary’s School, and St. Patrick’s Cathedral (see illustration 1-13).

The groups mentioned thus far make up only a small number of those buried within the 52-acre tract of cemetery land. Paupers and unidentified tombs consist of the largest percentage of those resting eternally in Concordia Cemetery. In 1884, the County of El Paso made the first recorded purchase of cemetery land to use as a pauper’s burial site. The City of El Paso and the Catholic Diocese eventually purchased cemetery land that they also designated for pauper

101 Mary D. Taylor, “Cura de la Frontera, Ramón Ortíz” U.S. Catholic Historian Vol. 9, No. ½ (Winter/Spring 1990)67-85. Father Ortiz was born in Spain in 1814 and died in 1896. Taylor suggests that Ortiz was buried at the chapel San José but does not specify if the chapel was located at Concordia or in Ciudad Juárez.
burials. These sections are as close to a private cemetery that paupers, consisting mostly of Mexican descent, can claim as their own. The paupers’ sections are partitioned from the Anglo sections and from the private family gravesites by fences and walls or clear demarcations are evident that divides the wealthy and infamous from the poor and anonymous. These sections are typically missing grave markers due to the “age of the grave, the elements, poor record keeping, mass graves, unidentified corpses, [and] due to social status…and because poor documentation and burying the dead in unmarked graves was carried over from Spanish practices” (see illustration 1-14). In addition, efforts to remove graves to clear up land and burial spaces (like the Mt. Sinai association did), particularly in the more socially appealing areas, has left few Mexican or “Hispanic” markers that can be identified or found that are over a century old. In mass graves, two, three, or as many bodies as the “depth of the shaft would allow” are buried, therefore, it is truly difficult to determine the actual number of bodies interred in older cemeteries such as Concordia.

Thomas Laqueur published a study dealing with pauper graves and funerals. A pauper funeral, Laqueur observes, is degrading to the survivors who grapple with the idea that a pauper represents “the possibility of social worthlessness, earthly failure, and profound anonymity.” The tombs of the wealthy are openly displayed with pride because death ultimately represents status in society and in the cemetery, the acquisition of private space signifies affluence and even immortality. Paupers, on the other hand, were segregated from mainstream society during their life time, and in the graveyard, their exclusion persists as they lay everlastingly in the margins.

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103 Rand, 6-7.
104 Jordan, 75-7.
Many of the ethnic Mexicans that remained north of the Río Grande after 1848 are buried in pauper’s tombs. As a result of forced repatriation, land loss, and violations of their civil rights, they were eventually segregated and destined to fill the labor demands of a growing city. Records indicate that Mexican families living directly “north” of the river worked for Hugh and Juana María Stephenson from the 1830s to the 1870s, or they worked for Juan Ponce de León. Those that worked for the Stephensons cultivated and harvested the fields and orchards, while others made wine and brandy, and still others were blacksmiths or worked in the stables or corrals and catered to the caravans arriving on the Camino Real routes. The Stephensons also had employees that worked in the mercantile store and inside their home where domestics cooked and cleaned for the family. The commercial clusters located in Ysleta, San Elizario, and Socorro was on communally owned land and ethnic Mexican communities subsisted through the commercial trade as well as traded their produce and foodstuffs with the other districts including those established south of the Río Grande. Mexicanos were truly a skilled, industrious, and hard-working people.

After 1848, however, as a result of discrimination, racism, and loss of land and resources Mexicanos resisted Anglo colonization efforts. The El Paso Salt War (1877) is one example of several that demonstrate that the people living in the borderlands region fought collectively—regardless of boundaries, borders, or nationalities—to preserve their livelihoods and defend their

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106 W.H. Timmons, “American El Paso: The Formative Years, 1884-1854” The Southwestern Historical Quarterly Vol. 87, No. 1 (July 1983), 1-30. Juan Ponce de León sold the land he owned north of the river to Benjamin Franklin Coons in 1848. An irrigation canal already passed through the property which provided water for the vineyards and orchards already thriving on the land. This property was located directly north of the river, therefore, when Coons established Rancho de Franklin or Santa María there is was recognized as the first settlement, mercantile store, and post office in Franklin City, Texas. However, Coons defaulted on his note and de León recovered his land and in 1852, when de León passed away his daughter and son-in-law sold the land to William T. Smith and he established a community he named Smithville a number of business which included a tavern, stables, and corrals.
property and access to the natural resources.\textsuperscript{107} The working classes, the poor, the bandidos and desperados, and the disenfranchised comprise those buried in the pauper sections of Concordia. Many died of disease, they died of over-work, countless were victims of homicide, while many others died in battle or in resistance movements, like the Salt War. They are not recognized for their courage, but rather, they are portrayed in history as criminals and as a crude and uncivilized people (see Chapter Five). There is no record of those buried in the pauper’s sections of Concordia and no one knows the history of those forgotten in unmarked graves or tombs that are too old to locate, and ultimately, the lives of the marginalized have become what historian Marie Theresa Hernández terms “silent narratives.”\textsuperscript{108}

In their attempts to “rewrite the past and create or retrieve memory,” the dominant and cemetery associations have converted dead bodies and corpses into “political symbols.” Dead bodies do not have a voice; however, those in power place them in a “context of present moment” and portray the dead in ways that gives them political and historical value as well as a sense of immortality.\textsuperscript{109} Association leaders and advocacy groups involved in maintaining burial grounds clean have found ways to convert graveyards into tourist attractions. Monthly, bimonthly, and yearly events that celebrate the dead are common in urban cemeteries, and through events known as “walking tours,” leaders educate visitors about historical figures that made this country a meaningful place. In the tours, actors dress in period costumes and stand by the actual grave site of the individual they are portraying. Sometimes the actor recites a vignette highlighting the contributions that this individual—a political figure, a philanthropist, or an infamous character—made to his/her community or the nation during their lifetime, or the actor

\textsuperscript{107} Halla, 220-28.
\textsuperscript{109} Verdery, 27-9.
holds a poster that details the departed life’s accomplishments.\textsuperscript{110} Tours are organized to educate the public and they are representations of how our civic leaders interpret history.

In El Paso, the original members of the Concordia Heritage Association initiated a “Walk Through History” event on cemetery grounds in 1990. The walking tour spotlighted a number of El Paso pioneers and influential individuals buried in Concordia. Members dressed as the deceased might have dressed and looked when they were alive in the nineteenth century, and as they stood directly next to the tombstone of the departed, the member presented a biographical sketch of the individual.\textsuperscript{111} The present members of the association have moved past the original walking tours and modified the event to include live performances and reenactments that highlight Old West history. In addition to commemorating the lives and times of pioneering men and women credited for Americanizing conquered territory along this stretch of the borderlands, the current walking tours events are geared toward reliving and celebrating the Wild West era (approximately from 1865 to 1890s). Numerous actors dressed in period clothing reenact the life and times of lawmen, outlaws, and prostitutes. Not all these figures were buried in Concordia, nonetheless, most of those portrayed, either journeyed through or established roots in the area and are recognized for contributing to El Paso’s regional history and to western history in general.

One reason the association commemorates colorful characters of the Wild West on cemetery grounds is to get Concordia Cemetery to qualify as a “boot hill” cemetery. City leaders reserved certain sites to bury outlaws and undesirables and since the corpses were buried with their boots on, the name boot hill was since appropriated to define cemeteries that warehoused

\textsuperscript{111} Rant 15-16.
former outlaws who were subsequently buried wearing their boots. In addition, cemeteries were also named boot hills because they were established on hill tops where they were least susceptible to flooding and because the area had little value in terms of agriculture or development. The fact is that at least nineteen U.S. states claim to have boot hill cemeteries and civic leaders from each of these states maintain that theirs is the first authentic boot hill graveyard of the west. Among the most well-known and frequented by tourists are the Boot Hill Cemetery in Dodge City, Kansas, the Old City Cemetery in Tombstone, Arizona, and the Concordia Cemetery in El Paso, Texas.

Promoters of Dodge City allege that their city represents the first “true frontier settlement of the Old West…[and that] there were more gunfighters in the town at any given time than any other” western town. Dodge City leaders claim that they established the first boot hill cemetery when Kansas truly characterized the “True West.” The city buried its first transient in 1872 and in 1879, organizers relocated the cemetery; as the coroner disinterred the coffins, he found that the corpses had their boots on. Hence, the term “boot hill” first appeared in an issue of the Dodge City Times in 1877 and leaders have since maintained they have recorded proof and a legitimate claim to the name boot hill.

The Old City Cemetery in Tombstone, Arizona stores three hundred eternal residents. Among them are the McLaurys and Clantons, shot dead by the Earp brothers at the O.K. Corral. Tombstone’s leaders established their boot hill cemetery in 1883 and no other burials were allowed there after 1884. However, it is questionable that within one year, all three hundred

113 Blitz, 211-14.
114 wikipedia.org, Alaska, Arizona, California, Colorado, Idaho, Iowa, Kansas, Michigan, Montana, Nebraska, Nevada, New Mexico, Oklahoma, Oregon, South Dakota, Texas, Utah, and Wyoming all have at least one boot hill cemetery. Some of the states have two or three boot hill cemeteries.
115 Blitz, 211-14. The article is dated May 6, 1877.
bodies interred in the Old City Cemetery, were those of outlaws. There is little historical evidence that suggests that other infamous outlaws lived and died in Tombstone within that time period, since the only shootout that is celebrated and relived in Tombstone, Arizona took place between the Earp brothers and the McLaury-Clanton gang at the O.K. Corral. Nevertheless, many Mexican and Indian personalities were victims of outlawry and were undoubtedly buried in the Old City Cemetery during that time period.

Conversely, the Concordia Heritage Association contends that Concordia Cemetery is the genuine boot hill cemetery of the American West. The association members argue that John Wesley Hardin holds the title of the most interesting outlaw of the west and that Hardin, Texas Rangers, and other outlaws and lawmen were buried in Concordia with their boots on. This justifies the association’s claim to naming Concordia the legitimate boot hill cemetery of the west. The fact is that Hardin’s grave remained unmarked for seventy years, which points to the possibility that the county buried him in a pauper’s grave. The legend suggests that just before Constable Selman killed him, Hardin had invested all his money on the purchase of a saloon, so he actually died in penury. Hardin’s remains rested in the county section designated for pauper burials in plot No. 13, and only the caretaker knew his location, until Dr. Sonnichsen convinced him to disclose the burial site.  

Despite the association’s position, however, the Stephensons established Concordia as a private cemetery before the Wild West propaganda captured the visions of city boosters and western culture advocates. Concordia remained a public community cemetery for four decades before John Wesley Hardin and other gunslingers were buried there in the 1880s and 90s. Asserting that Concordia Cemetery is a genuine boot hill cemetery is an attempt to further

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116 Underwood, 19. According to Underwood, Beulah M’Rose paid $77 to give Hardin a proper burial. However, other accounts suggest that M’Rose left El Paso two weeks before John Selman gunned down Hardin at the Acme Saloon.
exploit the western genre that is sweeping the country, which transforms murderous outlaws into western heroes.

Moreover, there are other concerns that need to be addressed when utilizing burial grounds for entertainment purposes. In Concordia Cemetery, when the performance group reenacts the shootout between John Wesley Hardin and John Selman, it takes place directly in front of Hardin’s shrine which is surrounded by other graves. Tourists are urged to bring folding chairs and flash lights since it tends to get dusky by the end of the show. They place their chairs on top of and around graves and by the time the crowd clears out, many of the tombs that surround Hardin’s shrine, have been trampled on. The same problem occurs during the Walk through History event and the Ghost Tours. The actor’s booths are positioned throughout the main paths and many of the booths are partially placed on top of tombs and actors and visitors stand on them or walk over them without taking notice (see illustration 1-15). Although civic leaders have a responsibility to commemorate the men and women that contributed to the growth of El Paso, more concern over the care of the graves and the treatment of the cemetery in general during the shows, is an issue that needs to be addressed. Cemeteries must continue to be viewed with respect and treated as sacred places.

Race and class structures, population movements, natural disasters, war, and regional and local histories are subjects that can be extrapolated from cemeteries. In Concordia Cemetery, private burial spaces decorated with grandiose grave markers represent wealth and conquest, while other grave sites surrounded by wrought iron and decorated with all sorts of period memorabilia belong to the notorious like John Wesley Hardin. Conversely, the sections that are segregated, warehouse the marginalized and the anonymous, and their histories remain silenced. The Concordia Heritage Association reenacts the history of the famous and infamous during

117 I myself am guilty of stepping on tombstones and graves when taking photos and watching the reenactments.
their performances and walking tours and cemetery grounds have been converted into inviting participatory experiences. However, the association neglects to point out other aspects of the past that are equally as important and legitimately make up a part of western history. The Stephenson-Ascárates original owners of the cemetery and the long-established Mexican networks that helped advance the agendas of Anglo immigrants, the people that worked and lived on the land, and the history of the land itself are features that are being overlooked when the Wild West is relived and celebrated on cemetery grounds. There are always great men and women that are worth remembering, not necessarily because they were wealthy or because they were white, but because they truly contributed to the advancement of the community and the nation.

Researching the groups buried in Concordia supports the notion that Doña Ana and El Paso Counties experienced uninterrupted commercial success after 1848. The state of Chihuahua continued to occupy a vital economic role along the zone regardless of the international boundary due to the established Mexican commercial networks and the Mexican social structure that embraced intermarriage. Commerce, culture, and even war flowed freely across the river, and although Anglo immigrants opened their first business on U.S. soil, they depended on Ciudad Juárez and Chihuahua City for economic expansion and they prospered in the process. Further, during times of struggle over rights and liberties, ethnic Mexicans from both sides united to challenge encroachment, marginalization, and land theft. The acquisition of territory was undoubtedly a political triumph for Anglo Americans, but land has also served as a vessel that stores many centuries of history. The Concordia Cemetery represents a microcosm of the past and it is characteristic of a piece of earth that warehouses the history of this region, it is more than a place where the famous and infamous are buried—it is a place where the people that
built this community are buried. It represents centuries of history, it represents the power that
the dominant have over place and over the production of history.

According to historian Bill Harvey, Texas graveyards reflect the entire American
experience and the,

immense contribution that Texans made in the invention and reinvention
of our nation. Texas has always been a place where big dreams and big landscapes
collided to produce big legends. Texans are a pioneering people, independent,
industrious, curious, bawdy, brave, proud, and occasionally outrageous. Texas
is the final resting place of suffragists, industrialists, teachers, heroines, villains, and an
American president. It is the home of innumerable veterans whose solitary white gravestones,
scattered to every corner of the state, provide a sobering reminder of the staggering human
currency paid to protect our homes and loved ones.¹¹⁸

The same can be said about the majority of the cemeteries throughout the United States.
Graveyards store the bodies of pioneers, veterans, and selfless individuals recognized for
devoting their lifetimes to improve humankind. However, it is disconcerting that Harvey and
other scholars engaged in the study of necrogeography have failed to address the histories of the
poor and nameless that also rest eternally in graveyards throughout the U.S. The working classes
can be found throughout the country and they derive the majority of their income from their
labor; they are the backbone behind every successful business, company and corporation. Yet
they are labeled lazy.¹¹⁹ The poor have contributed to the advancement of humanity through
their hard work, as consumers, by paying their taxes, and because they make up the foundation
of a society.

Chapter Two

Paso del Norte, 1800-1848: A Vibrant Commercialized Region

Don Ignacio Azcárate and his family migrated to northern Chihuahua from Vizcaya, Spain during the Bourbon Reforms (1760-1821). Local historians suggest that the Azcárate’s were granted a vast tract of land by the Spanish Crown. Ignacio married Isabel Elías-González, daughter of a prominent Chihuahua family with ties to Juan María Ponce de Leon, a wealthy Paseño. Census records and court documents situate Ignacio as a married merchant (comerciante) that frequently traveled on the Camino Real de Tierra Adentro to Chihuahua City where he secured goods from numerous wholesalers, sometimes on credit, and in turn, sold the merchandise to local Paseños. Don Azcárate is listed as a resident (vecino) of good standing, property owner and a business man that contributed to Paso del Norte’s social and economic growth. The Camino Real Trail connected Mexico City to Santa Fe, New Mexico and this road also linked the eastern and western borderlands. The caravans on the Tierra Adentro—renamed El Comercio de Chihuahua or Chihuahua Trail after Mexico gained independence—traveled right through the heart of Paso del Norte, a region which later became the focus of many

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120 The Bourbon Reforms (1750-1821) were influenced by European Enlightenment or in broader terms, the advent of liberalism. The reforms were marked by enormous economic, political, and social transformations, the majority of which were implemented from the 1760s to 1780s.

121 Susan B. Mayfield, “Juana M. Azcárate de Stephenson” Password Vol. 40, No. 1, (Spring 1995), 23-6. At some point, the “z” changed to an “s” and the accent was dropped from the name. Salvador S.J. Trevino, “Chihuahua-Paso del Norte-Santa Fe Nuevo Mexico: Una sociedad Castrense y su entorno 1810-1840” Colóquio Camino Real: Bicentenario de la Independencia de México: memoria ed. Zacarías Martínez Terrazas (Mexico: Universidad Autónoma de Chihuahua, 2009), 165-182. The Elías-González family lineage is significant in Mexican history. Their descendants include José Manuel Elías-González, a commanding officer during the Mexican independence wars (1810-1820), Simón Elías-González, governor of Chihuahua (1811), and Mexican president Plutarco Elías-Calles (1924-28).

122 Ciudad Juárez Municipal Archives, 1671-1893, MF513, University of Texas, El Paso, Microfilm Collection, (hereinafter CJMA), roll 12, frame 104, Census “del pueblo del paso” 1787. C.L. Sonnichsen Special Collections and Archives, University of Texas, El Paso, MS341, Stephenson-Flores Family Papers, folder 4, box 5, September 1821. Isabel Elías is not named on the census but a baptismal record dated 1821 lists Ignacio Azcarate and Isabel Elías as the grand parents of Juan Jacinto Ascarate, Juana Ascarate de Stephenson’s younger brother. CJMA, roll 10, frames 670-676, testimonial of don Alberto de Aubeli y Rodrigues against Ignacio Azcárate and Azcárate’s response dated 1779.
historical misrepresentations. The economic and social dynamic instituted by trade on the El Camino Real de Tierra Adentro laid the ground work for the commercial relationship that developed between the United States and post-independence Mexico, a union that still defines both nations today (see illustrations 2-1, 2-2).

Trade increased exponentially after the reforms. In addition to the large caravans (conductas) scheduled once a year, smaller trains began to travel separately. Some carried officials or prisoners, or private contractors were hired by the treasury to transport and deliver supplies to all the garrisons, including the San Elizario Presidio. By 1779 a postal convoy became an integral part of the Tierra Adentro commerce. Eventually individual merchants or groups of traders, sometimes joined by their families, took advantage of any of the caravans that passed through their town (villa) and joined the train to sell their wares or migrate to other regions.123 Utilizing trade activity on the Camino Real de Tierra Adentro as the framework and what sociologist Jürgen Habermas has termed the “Bourgeois Public Sphere” demonstrates that by 1800, Paso del Norte had transformed into an economically prosperous center. Although the general view is that the Northern Provinces (Provincias Internas) were defined by their isolation from the center, long-distance trade diminished the remoteness experienced by settlers of the late seventeenth and early eighteenth centuries.124

The Bourgeois Public Sphere consisted of numerous components. Among those that manifested in the Paso del Norte region were a strong military force, a system of taxation,

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123 Max L. Moorhead, New Mexico’s Royal Road: Trade and Travel on the Chihuahua Trail (Norman: University of Oklahoma Press, 1954), 42-46; Hal Jackson, Following the Royal Road: A Guide to the Historic Camino Real de Tierra Adentro (Albuquerque: University of New Mexico Press, 2006), 45-9, 83-4. The yearly conductas included several hundred people: merchants with families, ranchers, drivers, herdsmen, soldiers, and ecclesiastics, along with covered freight wagons (carros), ox carts (carretas) pack mules (atajos) led by muleteers (arrieros), extra draft animals, and flocks of sheep, cattle, horses and other grazing animals for sale. A small caravan typically consisted of at least five merchants, their goods, and animals of burden for trade.

124 Carlos III issued a “real cédula” in 1776 establishing the Provincias Internas which comprised of Nueva Vizcaya, El Nuevo Mexico, Coahuila, Texas, Las Californias, Sonora and Sinaloa.
institutions to regulate people, and the practice of credit and financing on the sale of goods and property. Early finance and trade capitalism initially developed during the 13th and 14th centuries in Italy and spread throughout western and northern European nations, including Spain. These practices were transported to the New World after conquest and by the late eighteenth century, the Provincias Internas exhibited these characteristics. According to Habermas, the trade fair comprised the main setting for the exchange of commodities and news. People of all ethnicities—mestizos, Indians, mixed-races (castas) and Spaniards—gathered at yearly events where merchants engaged in bartering over food stuffs, hand-made crafts, manufactured goods, and European imports. This environment lent itself for the formation of commercial and social relationships and these drew a significant number of migrants from southern Mexico and from different parts of Spain. Eventually, immigrants remained and merged into the permanent community clusters that dotted the Tierra Adentro route.

The Paso del Norte region displayed early capitalist practices with large scale agricultural production and trade, and the business of selling goods and land on credit. Although this region has historically been regarded as baron and desert-like, documents show the development of stable settlements with dams, canals (acequias), and irrigation systems along both banks of the Río Grande. Paseños established a reputation throughout the colonies for growing sweet grapes, orchards, nuts, grains, stock raising and other agriculture. Wine and brandy were used as

125 Jürgen Habermas, The Structural Transformation of the Public Sphere: An Inquiry into a Category of Bourgeois Society (Cambridge: The MIT Press, 1991), 3-26. Habermas suggests that capitalism stabilized the power structure of a society; he saw it as a departure from the feudal system.

126 Cheryl E. Martin and Mark Wasserman, Latin America and its People (New York: Pearson Education, Inc., 2005), 169. Castas were mixed African, Indian, and European ancestry, also known as pardos, or dark-skinned people.

127 Gilbert R. Cruz, Let There Be Towns: Spanish Municipal Origins in the American Southwest, 1610-1810 (College Station: Texas A&M University Press, 1988), 36-51. What distinguished Paso del Norte from other Mexican (Spanish) municipal settlements is that San Lorenzo El Real, the original settlement, grew rapidly and expanded north towards the river. As the region gained economic importance wealthy ranchers settled in the rural areas along both banks of the Río Bravo.
common currency and producers exported anywhere from 16,000 to 84,000 gallons annually, a good indication that land was accessible, productive, and conducive to trade. In fact, Paso del Norte’s economy depended on its viticulture production and the number of grape growers equaled the number of farmers that grew corn. In 1755 the largest vineyard belonged to Manuela García de Noriega of Paso del Norte, she owned approximately “two and one-half hectares” in grapevines. The average size in cultivation measured one-half hectare demonstrating that García de Noriega grew three times the amount of a regular farmer and she had considerable authority over the production and sale of wine and brandy during the mid-eighteenth century. The economic importance of viticulture in this region continued into the nineteenth century and after U.S. invasion.

Zebulon Pike, recognized as history’s first “illegal alien” to penetrate into Spanish territory in 1802, described Paso del Norte as an “oasis in the desert.” He saw “finely cultivated fields of wheat and other small grain as [he] ever saw, and also numerous vineyards from which were produced the finest wine ever drank in the country.” In addition to wine, food stuff, cloth and other commonly purchased items, some merchants transported chocolate, silk, reading and writing material, and other luxury goods. The demand for non-traditional materials or “status

128 W.H. Timmons, “The El Paso Area in the Mexican Period, 1821-1848” The Southwestern Historical Quarterly, Vol. 84, No. 1 (Jul., 1980), 1-28; Rick Hendricks, “The Camino Real at the Pass: Economy and Political Structure of the Paso del Norte Area in the Eighteenth Century” Memorias del Coloquio Internacional El Camino Real de Tierra Adentro eds. José de la Cruz Pacheco y Joseph P. Sánchez (Mexico: Colección Biblioteca del INAH, 2000), 125-39. During the last twenty years of Spanish rule, the Provincias Internas were engaged in the minting of coins and by 1814, four million pesos were exchanged yearly between New Mexico and Villa Chihuahua.
130 Zebulon M. Pike, Exploratory Travels Through the Western Territories of North America (London: Longman, Hurst, Reis, Orme, and Brown, 1811), 334-36; also see Timothy Flint, ed., The Personal Narrative of James O. Pattie (Chicago, 1930), 175. Pattie traveled to Mexico in 1826 and was “struck by the magnificent vineyards of this place, from which are made great quantities of delicious wine.” John Black, translator, Political Essay on the Kingdom of New Spain (London, 1811), 307. Alexander von Humboldt traveled throughout New Spain in the early 1800s and noted that “Travelers stop at Passo del Norte to lay in the necessary provisions for continuing their route to Santa Fe. The environs of the Passo are delicious and resemble the finest parts of Andalusia. The fields are cultivated with maize and wheat; and the vineyards produce such excellent sweet wines that they are even preferred to the wines of Parras [sic] in New Biscay (Nueva Vizcaya).”
conferring” commodities indicates that a growing middle-class community had trade networks that extended past local clusters and that they were developing a taste for European-made products.\textsuperscript{131}

Mayor (\textit{mayordomo}) don Francisco Ignacio Bernal controlled the customs house in Paso del Norte. He kept records of each shipment, calculated tariff obligations as well as maintained a list of merchants trading in the region. Numerous inventories indicate that the cargos arriving from southern Mexico included a considerable amount of building materials signaling a steady increase in population.\textsuperscript{132} Ignacio Azcárate usually traveled with the smaller caravans from Paso del Norte to Chihuahua City. He traded wine for products made in southern Chihuahua and other parts of Mexico. On March 1774 don Alberto de Aubeli y Rodrigues sold merchandise on credit to Ignacio Azcárate that consisted of shoes, rolls of black silk, ribbon, a rifle, a harmonica, metal, and other items, suggesting that this particular cargo consisted of special orders for his customers in Paso del Norte.\textsuperscript{133} Other merchants trading on the Tierra Adentro traveled from Mexico City to Chihuahua City or as far as Paso del Norte. From “Passo” the goods were transported north to Santa Fe while the caravans made stops in every commercial center along the way. For Instance, correspondence places Manuel Marques y Melo in Guadalajara, San Luis Potosi, Zacatecas, Saltillo, Parral, Chihuahua City, and Paso del Norte. The letters reveal that commodity prices were a main topic of concern and sometimes customers wrote Melo over the proper packaging of their special orders. These documents are a good indication that Paso del

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\textsuperscript{131} Joseph P. Sánchez, “El Camino Real de Tierra Adentro: A Historical Overview” \textit{Proceedings: Speakers Series: El Camino Real From Mexico City to Santa Fe} (El Paso: Chamizal National Memorial, 1999), 35-99; CJMA, roll 10, frames 307-14, October 30, 1780. Documents indicate that don Francisco Antonio de Trespalacios was an established contractor and transported merchandise from Chihuahua City to Paso del Norte on a regular basis. Shipments of wood, roofing material, and numerous items required to build a home comprised a normal shipment of the early 1800s; Archives of the Cathedral of Ciudad Juarez 1671-1893 (hereinafter ACCJ), MF 489, Microfilm Collection, University of Texas, El Paso, roll 1. The archives of the Cathedral contain numerous itemized lists of goods from individual merchants arriving in Paso del Norte from Chihuahua City and southern Mexico.
\textsuperscript{132} ACCJ, roll 1, 1806-10.
\textsuperscript{133} CJMA, roll 10, frame 673, 1779.
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Norte marked the end of the journey for merchants coming from Mexico City where they usually returned to their home base with merchandise manufactured in the northern provinces. The letters also indicate that the postal service ran frequently and timely, and in the case of Marques y Melo, quite reliably.\textsuperscript{134}

Merchants were held in high regard in late colonial society. Many amassed huge fortunes and frequently bought political positions for themselves and their sons. In Paso del Norte don Ignacio gained access to powerful social and political circles due to his light skin and Spanish roots. During the reforms a considerable number of Spaniards or \textit{peninsulares} left Spain for different parts of the Americas, and many were placed in government positions, while many others married into wealthy Mexican families. Even if Spanish migrants were of lower class, their skin color and place of birth allowed for mobility over other affluent individuals born in the New World.\textsuperscript{135} Records indicate that Ignacio Azcárate migrated to the northern province of Chihuahua during the Bourbon Reforms and married into the Elias-González family fortune. Ignacio and Isabel had three or four children; Antonio and Juan Ascárate are the most visible in census and court records. The practice of intermarriage and extended kinship networks among the wealthy, the military, and white immigrants continued into the Mexican and U.S. periods in the Paso del Norte region (see Chapter Four for more discussion on intermarriage).

\textsuperscript{134} New Mexico State Records and Archive Center (hereinafter NMSRAC), Manuel Marques y Melo Papers, Serial 8364, Box 1, Folders 1-24. There are no documents that suggest that Marques y Melo traveled to Santa Fe, New Mexico, however, Habermas contends that merchants were the ones that organized the first mail routes. Rick Hendricks, “The Camino Real at the Pass: Economy and Political Structure of the Paso del Norte Area in the Eighteenth Century” Memorias del Coloquio Internacional El Camino Real de Tierra Adentro ed. José de la Cruz Pacheco and Joseph P. Sánchez (Mexico: Colección Biblioteca del INAH, 2002), 93, 132; Jackson, 83-4; Nicolas de la Fora, \textit{The Frontiers of New Spain: Nicolas de la For a’s Description, 1766-1768} (New York: Arno Press, 1967), 81-84. New Mexico had jurisdiction over Paso del Norte during the Spanish colonial period and its boundaries extended south to present-day Villa Ahumada.

\textsuperscript{135} David A. Brading, 	extit{Miners and Merchants in Bourbon Mexico, 1763-1810} (New York: Cambridge University Press, 1971), 1-30; Sarah C. Cambers, \textit{From Subjects to Citizens: Honor, Gender, and Politics in Arequipa, Peru 1780-1854} (University Park: The Pennsylvania State University, 1999), 1-5.
Landowners, producers, manufacturers, and other impresarios relied on the credit that merchants extended to them for growth. Often these groups utilized the courts to settle disputes among them over past due amounts, damaged merchandise, and over broken agreements.\textsuperscript{136} Aubeli y Rodrigues petitioned the courts to order don Ignacio to pay a past due note. In the appeal Aubeli y Rodrigues stated that he had exhausted every avenue to collect 230 pesos, the value of goods sold on credit to Azcárate. Don Ignacio maintained that he sent the money with one of Aubeli’s collectors, but had no proof of payment due to the absence of a notary public (escribano publico). He paid the amount demanded of him by the courts nonetheless.\textsuperscript{137} Sometimes the more powerful Chihuahua merchants sent goods and special orders to commercial centers like Paso del Norte with a trusted employee or middle man. Once the goods were delivered and the monies collected, the employee returned with the money or with a signed promissory note for a credit transaction. Don Francisco Antonio Trespalacios del Comercio de la Villa de Chihuahua (sometimes spelled Chiguagua) frequently sent merchandise on private caravans, and later sent a collector to call upon customers to make payments or pay off outstanding notes.\textsuperscript{138} Occasionally local merchants fell behind on their accounts because they could not keep up with the fluctuating prices of merchandise controlled by the Chihuahua City monopolies.\textsuperscript{139}

The paper trail on Ignacio Azcárate fades with these court documents. However, an 1820s census situates three Ascárate men living in the Alamo Gacho district: Antonio, Juan, and

\textsuperscript{137} CJMA, roll 10, frames 670-76. Aubeli y Rodrigues sold merchandise to Azcárate in 1774 and filed a petition in 1779.
\textsuperscript{138} Ibid., roll 10, frames 307-14.
\textsuperscript{139} Moorhead, 50.
Miguel.140 Records reveal that Antonio and Juan filled numerous roles in their community. They paid their fair share of taxes and they were civic leaders involved in community-planning activities. For example, Antonio Ascárárate participated in the planning committee that organized a three-day celebration honoring the signing of the Constitution. He outlined the details of the three-day event, including a procession throughout the town of Ysleta and a formal mass. Everyone in the community usually partook in the event, including dignitaries, the military, and its citizens.141

Antonio, the oldest, engaged in the export of wine from Paso del Norte to New Mexico and to Chihuahua City. On one occasion, Antonio and three others were caught smuggling 300 jars (frascos) of wine (half white and half red) and other goods to Chihuahua City without paying export duties. They were arrested and given three days in which to pay the sum of “treynta y cuatro tres y cuartilla” (approximately 45 pesos) or their personal property consisting of land, a ranch, and grazing animals would be confiscated and sold at public auction to satisfy the debt. The court records do not reveal if Antonio and the others justified their actions or if they had anything to say about the charges, however, they paid their fines within the time allotted. It is unclear how often traders engaged in transporting contraband merchandise to avoid paying tariffs, but they smuggled goods nonetheless, and risked getting arrested and fined.142 The fact that local merchants were caught smuggling goods also demonstrates that the Spanish

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140 CJMA, roll 18, frames 328-332. The spelling of Azcárate is not consistent and at times it is spelled Ascarate or Escarate. The individual recording the proceedings had complete discretion and the accent is absent in every case. A census record dated May 24, 1827 lists Antonio Ascárárate as the oldest at 50, and married to Josefa Colombo 40, with four children (Rafael 11, Manuela 3, Vicente 3, Josefa 2) and two other individuals that could have been the live-in help. Juan Ascárárate was 40 years old and married to Eugenia Romero, age 30, with four children (Maria Juana Ascárate 16, Ygnacio 14, Anastacio 12, Jasinto 9), and what appears to be a live-in domestic with two children of her own. Miguel Ascárate was 30 years old and married to Petra Calmeneza age 20, with a child not yet one year old. CJMA, roll 33, frame 144, March 21, 1843, Passo consisted of eight political districts or partidos including Centro, Barreal, Charco, Calavernas, Playa, Chamizal, Alamos, and Alamo Gacho.

141 CJMA, roll 17, frames 401-403, January 19, 1826.

142 Ibid., frames 213-217, January 11, 1826.
government kept their borders well-guarded and that illegal activity existed even in the strictest of circumstances, nevertheless, there were occasions when smugglers were eventually apprehended and fined.

The Northern Provinces did not have a fully instituted judicial system like those that existed in Mexico City or Lima, Peru for example. Paso del Norte lacked notary publics and many petitions were written in what dignitaries identified as (literally) common paper (*papel común*) since the heading of the paper did not have the official seal of the government. In the majority of the civil cases (*juicios verbales*) the presiding judge (*juez*) or leading figure performing judicial or administrative functions (*alcalde mayor*) appointed two witnesses to assist him. In some cases, the presiding judge felt it necessary to form a “tribunal” which allowed the plaintiff and the defendant to select a co-judge (*conjuez*) that would preside alongside the alcalde. After the facts were presented by both parties the judge and co-judges made the ruling. Conversely, the voices generated in these documents were predominantly those of the judges, their assistants, or other officials recording the proceedings. These individuals had the power to rephrase, reinterpret, or omit comments made by defendants or witnesses in civil or criminal trials, in which case, people’s statements or emotions were not always fully represented.

Civil suits usually involved family disputes over ownership of a horse, a tangible item, or a piece of land, for example. Juan Ascárate served as co-judge on behalf of plaintiff Encarnación Cordero, suing his son for stealing one of his horses.\(^{143}\) Disputes between employer and worker or hired labor were also common. Juan Apodaca, a muleteer hired by don Francisco Montes to transport barrels of wine by mule to New Mexico selected Antonio Ascárate as his co-judge. When Apodaca arrived from New Mexico, he returned the mules to Montes but not the proceeds

\(^{143}\) CJMA, roll 18, frames 341-43, March 19, 1827.
of the sale. In another civil matter, María Josefa Romero filed a suit against Antonio Ascárate over a piece of land and personal belongings left intestate. As the deceased’s stepmother (madrasta) Romero argued that she rightfully owned the land and personal property in question; nonetheless, the ruling gave both Antonio and María Josefa an equal share of the deceased’s possessions. The court records do not reveal the relationship between the deceased and Antonio; however, Juan Ascárate married Eugenia Romero and a 1820s census places numerous Romero families in the Alamo Gacho district. In any case, Antonio Ascárate received an equal share of land and personal property that belonged to a deceased member of the Romero clan.

Long-established Spanish practices initially transitioned into the Mexican period without major changes. Consistencies can be seen in the language used by officials—including the written Spanish which contained a great deal of shorthand—in the monetary values placed on goods and on court fines, as well as trade practices, which continued uninterrupted throughout the transition from the colonial period to the Mexican era. Trade and credit, the exchange of news and information, and state regulated institutions comprised the core of Habermas’s Bourgeois Public Sphere. In Paso del Norte, long-distance trade on the Camino Real de Tierra Adentro helped establish these institutions of exchange and communication, and the judicial system became a useful tool for citizens of all classes to settle economic and social issues affecting their everyday lives.

By 1820, the Provincias Internas had reached self-sufficiency and historian Barbara A. Tennanbaum notes that,

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144 CJMA, frames 276-78, October 26, 1826.
145 Ibid., roll 17, frames 139-141. As a whole, criminal cases outnumbered civil suits in Paso del Norte and San Elizario.
146 Timmons, 2. Timmons places the population of Paso del Norte in 1821 at 8,000. Passo was designated the capital (cabecera) of the Partido del Paso, with its own municipal council (ayuntamiento), which consisted of a president and six members and each of the six downriver settlements were governed by an alcalde.
Although Tennanbaum’s analysis encompasses the seven Northern provinces, her examination demonstrates that the entire northern region of New Spain had robust economies with increasing commercial activity. Once Mexico gained independence, the government set its sights on expanding its markets and population to the northern regions.

Therefore, political, economic and social transformations were inevitable after the war. On a national level, the 1824 Constitution adopted a republican political structure while the mission system and ecclesiastics were stripped of a great deal of power. Further, the previously established trade treaties with Indians were severed, which proved detrimental after U.S. invasion. In the northern regions of Mexico, boundaries were redrawn to accommodate for economic growth, land distribution, and migration. Paso del Norte became part of the state of Chihuahua and in 1825, the government passed a colonization law “which opened land along the Río Bravo from the border of New Mexico to the Presidio [in San Elizario], which marked the boundary with Coahuila y Tejas.” The Mexican government awarded land to individuals and groups located in the state of Chihuahua but only from the Paso del Norte area, along both sides of the Río Bravo, the recipients were exclusively of Mexican nationality and not Anglo American immigrants as previously suggested by historians.

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148 Jaime E. Rodríguez O., ed., The Origins of Mexican National Politics (Delaware: A Scholarly Resources Inc., 1997), 4-8; Timothy J. Henderson, The Mexican Wars for Independence (New York: Hill and Wang, 2009), 22-4, 120-21. The 1824 Constitution organized the country into a federal republic made up of 19 states and 4 territories and political rule represented two parties: Centralists (clergy, the army, and owners of great haciendas) and Federalists (liberal criollos and mestizos, heirs to enlightenment thought).
149 Richard Baquera, “Chihuahua, Paso del Norte, and New Mexico Under Mexico, 1821-1836” History, University of Texas, El Paso, 1974), 1-11; CJMA, roll 15, frame 237-39. In 1823 the Mexican government passed a decree to separate the province del Passo from New Mexico and annex it to Chihuahua, “the northern boundary of
Juan Ascárate and his family as title holders to the Ascárate Land Grant, the Concordia tract, as well as consigns them title to land in New Mexico and mining interests in Janos, Casas Grandes, and Corralitos, Chihuahua. Hugh Stephenson is listed as the only Anglo American, during the Mexican period, as owning land in Passo through a purchase from Juan Ascárate (discussed below). Any other acquisition of land and mines by well-known Anglo “pioneers” in Paso del Norte occurred after 1848, and mostly under fraudulent circumstances. Nevertheless, the migration of people from the southern regions of Mexico to the northern territories to secure land helped advance the idea of expansion, settlement, and the acquisition of real estate, which mirrored the process of westward expansion on-going in the United States.

In addition to political change and land distribution, Mexico’s economy experienced transformation as a result of trade with the United States. New Mexican markets were immediately flooded with American-made goods, and although Santa Fe became the main port of entry, Anglo traders had their sights set on southern Mexican markets. Chihuahua City resumed its role as the trading epicenter for U.S. merchants while Paso del Norte maintained its importance as a commercial epicenter connecting northern markets to the rest of Mexico. American products were cheaper due to the inexpensive cost of transporting goods on the Santa Fe Trail; each merchant paid “ten dollars per one hundred pounds” of merchandise, which made

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Chihuahua was set as an east-west line directly above Paso del Norte district… the state of Chihuahua was to include all of the jurisdiction of Paso del Norte including the farm lands above the village to the Jornada del Muerto. The northern boundary was thus above Paso del Norte to a point almost opposite the Gila River or present day Truth or Consequence.” Lands were free to those colonists whose proposals for colonization were approved by the state and in return the state guaranteed the security of the colonists. Municipal records show that a large number of Mexican citizens applied for land titles during the Mexican period.

150 Victor M. Guzman Garcia, “The Legacy of Captain Alfonso García I” Password, Vol. 43, No. 4 (1998), pp. 158-173. One of the few large tracts of land issued to an Anglo American group is identified as the Moses Austin/Steve Austin empresarial grant in Coahuila y Tejas, which later led to the Texas Revolution (1836).

151 Josiah Gregg, Commerce of the Prairies Max L. Moorhead, ed. (University of Oklahoma Press, 1954), 331-32; Marc Simmons, Along the Santa Fe Trail (Albuquerque: University of New Mexico Press, 1986), 10-12; Moorhead, 76-7. Josiah Gregg’s journal provides a table listing the “value and volume” of each yearly cargo arriving in Santa Fe, along with the number of merchants accompanying each caravan from 1822 to 1843. Gregg’s data shows the 1828 cargo valued at $150,000, which represented the largest load during the 1820s while the value of the loads increased exponentially after that one.
it appealing for any Anglo to engage in trade. Nevertheless, American-made goods were not necessarily better made than Mexican products; they were just cheaper and available in large quantities (see illustration 2-3).152

Other dynamics created unfavorable economic and social relations between Mexico and the United States. For one, traders and trappers were not wealthy, they had no formal education, and they were rude and disrespectful and frequently imposed their sense of superiority culturally, racially, and materially on Indian and Mexican groups.153 Further, Anglo traders initiated the sale of arms, ammunition, and alcohol to numerous Indian groups, which created a hostile and volatile environment, especially for the clusters established along the Chihuahua Trail. In an effort to make the import of American goods into Mexico more difficult and to pacify the Indians, the Mexican government passed strict laws that increased import duties to deter the unskilled trader from returning.154 In retaliation to Mexican laws and regulations, however, Anglo traders blatantly advertised ways to smuggle goods into Mexico through the circulation of a pamphlet titled “Modo como se hace el contrabando por el Nuevo Mexico y otras noticias curiosas” (How to smuggle goods into New Mexico and other unusual news). By 1830, as a result of this type of propaganda, more than fifty percent of American-made goods were illegally brought into Mexico either because the government prohibited the item or because Anglo merchants blatantly refused to pay import taxes.155 Subsequently, the Mexican government

152 Angela Moyano Pahissa, El comercio de Santa Fe y la Guerra del 47 (Mexico: SepSetentas, 1976), 9-11.
153 Ibid., 51-55; Mares 113. Customs requirements when entering Mexican territory included the inspection of cargo, destination certificates, passports, safe-conduct passes, and the evaluation and taxation of merchandise. At times officials had difficulty catching smugglers and illegals, but still caught merchants smuggling goods and confiscated it while traders were imprisoned. In addition, Moyano Pahissa suggests that Josiah Gregg was just as rude and defiant as any Anglo American trader and he had very little regard for Mexican and Indian people, yet he is celebrated by U.S. historians who have relied on his data for their own work.
155 Martín González de la Vara, “Mexicanos y Norteamericanos en el Desarrollo de Santa Fe, 1821-1860” Memorias del Coloquio Internacional El Camino Real de Tierra Adentro ed. José de la Cruz Pacheco and Jsoeph P.
passed its first decree prohibiting the introduction of numerous American products into Mexico.\textsuperscript{156}

Contemporary Mexican historians propose that the Mexican borderlands were strong economically. The classic argument made that the U.S. rescued Mexico from archaic practices and economic ruin is outdated. The archives reveal that Mexican merchants were very familiar with the language of trade at the time of contact with Anglo Americans; however, without question, the United States profited and grew economically as a result of the commerce created with Mexico.\textsuperscript{157} In particular Missouri—also a frontier state—stood in the verge of bankruptcy following the Depression of 1819. Caused by a shortage of “hard cash” and over production, farmers and merchants were in dire need of commercial development. Trade with Mexico provided Missourians with silver, gold, coin, mules, and other Mexican-made goods, which ultimately rescued its economy. They founded their first bank in the 1830s and also established a very lucrative mule-breeding industry that could not have been possible without Mexican markets and Mexican mules.\textsuperscript{158} Moreover, Mexican merchants profited from U.S. markets and they ventured past the U.S. frontier states and into New York and Philadelphia and made contacts with European markets through the Atlantic trade and profited economically as well.\textsuperscript{159}

\footnotesize Sánchez (Mexico: Colección Biblioteca del INAH, 2000), 203; Timmons 7-9. De la Vara suggests that up to one million in silver contraband left New Mexico yearly.\textsuperscript{156} CJMA, roll 21, frames 237-39, May 22, 1829. Some of the prohibited goods included iron, copper, and other metals, alcohol, cotton—raw and processed—jewelry, grains, locks, door knobs, material for shoe making, wool, candy, and many other items. David J. Weber, \textit{The Mexican Frontier 1821-1846: The American Southwest Under Mexico} (Albuquerque: University of New Mexico, 1982), 123-25; David J. Weber, “From Hell Itself”: The Americanization of Mexico’s Northern Frontier, 1821-1846” (Border Studies Symposium at the University of Texas at El Paso: Center for Inter-American and Border Studies, No. 5, (Oct., 1983), 4-10; W.H. Timmons, 1-28. By 1835, a customs house was established in Paso del Norte and was managed efficiently with far less corruption than at Santa Fe.\textsuperscript{157} Patricia Fernández de Castro, “Historiografía norteamericana sobre la frontera norte” \textit{De Historia E Histriografía de la Frontera Norte} ed. Manuel Ceballos Ramírez (Mexico: Ulversidad Autoñoma de Tamaulipas, 1996), 58-92.\textsuperscript{157} De la Vara, 191-213; Fernández de Castro, 58-92; Ookah L. Jones, \textit{Los Paisanos: Spanish Settlers on the Northern Frontier of New Spain} (Norman: University of Oklahoma Press, 1979), 237-38.\textsuperscript{158} Moorhead, 75-77.\textsuperscript{159}
Historian Nina Veregge offers an analysis of Anglo American settlement of the “American Southwest.” She limits her scope to the space located north of the Rio Grande and its occupation by Anglo Americans, which she posits occurred in four phases. The initial influx of traders, trappers, and settlers during the Mexican period constitutes the first phase. Veregge asserts that most of those that engaged in commerce on the Santa Fe Trail usually returned to the United States, albeit with substantial profits. Her study concurs with the theories put forth by Mexican scholars that situate small numbers of Anglos establishing permanent settlements throughout the southwest during the Mexican period. In Paso del Norte, evidence points to the arrival of a handful of so-called “pioneering” Anglo Americans as early as 1824. Those individuals intent on remaining in Mexico learned to read, write, and speak Spanish to facilitate communication and gain people’s trust as well as gained an understanding of Mexican social and economic laws and practices. Among those that established permanent roots in Chihuahua were Robert McKnight, Stephen Courcier, Lewis Dutton, James Magoffin, and Hugh Stephenson. They were all single men that had engaged in hunting and trapping of fur and ventured into the southwest on the Santa Fe Trail after learning of Mexico’s colonization laws in Texas, and from Zebulon Pikes published journal that reported an abundance of land and natural resources.

160 Nina Veregge, “Transformation of Spanish Urban Landscapes in the American Southwest, 1821-1900” Journal of the Southwest Vol. 35, No. 4, (Winter, 1993), 371-459. The second phase of settlement occurred just after the U.S.-Mexico War, the third took place upon completion of the railroad, and the fourth during the 1900s and the invention of electricity, and the automobile, and when New Mexico and Arizona became states.

161 Leroy R. Hafen, Mountain Men and the Fur Trade of the Far West (California: The Arthur H. Clark Company, 1968), 130; Victor Westphall, Thomas Benton Catron and his Era (Tucson: The University of Arizona, 1973), 20-22; Timmons, 10. Robert McKnight crossed into Spanish territory in 1812, but was apprehended and imprisoned from 1812-20. He gained his released when Mexico achieved independence. He met and married a wealthy Mexicana and became a Mexican citizen. He partnered with Stephen Courcier and engaged in copper mining, his wife’s family-owned business. The Santa Rita mine was located near Corralitos, Chihuahua and McKnight and Courcier monopolized on the sale of this metal throughout Chihuahua and they also established a merchandising store near Chihuahua City. Both McKnight and Courcier remained in Corralitos where they became involved with the community activities. Courcier joined the fight against Indian attacks, while the Mexican government appointed McKnight administrator and justice of the peace in Corralitos, Chihuahua. Lewis Dutton established roots in the Las Cruces, New Mexico area where he married a wealthy Mexicana and opened a mercantile store, and accumulated his
James Magoffin established roots in the El Paso County area in 1850. He joined Hugh and Juana María Stephenson who were already established since the 1830s and well-known by seasoned Mexican merchants that traversed the Camino Real routes. Magoffin initially settled in Saltillo and engaged in trade in the Matamoros and Monterrey region. He became a naturalized Mexican citizen to facilitate his involvement in the trade industry and married a wealthy Mexicana from New Mexico. A census record lists him as a merchant and businessman engaged in the “triangle trade” between New Orleans, Louisiana, the Texas Coast, and Matamoros, Tamaulipas. Magoffin created strong economic ties with the Mexican wealthy, which proved beneficial when he moved to El Paso, Texas. Hugh Stephenson, on the other hand, was twenty-six years old when he left his beloved Concordia, Missouri and originally settled in what is now known as “Old Mesilla,” New Mexico. Stephenson found mining and trade a lucrative business and immediately made contacts with mine owners, which is how he met Juan Ascárate, since he had a mining and smelting business south of Paso del Norte. Stephenson frequently purchased “crude silver” from Ascárate and smelted and refined it into small bars with his named stamped on them. He used the silver as a mode of exchange in New Mexico as well as furnished wealthy New Mexicans with silver services. In no time, Ascárate and Stephenson developed a close relationship and Stephenson became a frequent guest in the Ascárate estate, Casa Grande de Amo. Hugh met Juana María, Juan’s only daughter and “heir to a considerable fortune in land, cattle, and mines,” courted her for two years, and they married in 1828.

wealth there. He maintained close ties with Hugh Stephenson and many years later, his daughter Simona Dutton married Hugh’s son Horace Stephenson. Horace became a very respected citizen and politician in New Mexico.

162 Some local histories suggest that his Mexican wife originated from San Antonio, Texas.

163 W. H. Timmons, James Wiley Magoffin: Don Santiago—El Paso Pioneer (El Paso: Texas Western Press, 1999), 9-17. Timmons suggests that John Quincy Adams appointed Magoffin to serve as U.S. Consul in Saltillo in 1825, which at the time served as the capital of Coahuila y Tejas. There is no concrete evidence, however.

According to local historian Susan B. Mayfield, in 1830 Hugh bought,

A 900-acre tract of grazing land from [Juana’s] family located approximately forty miles south of Las Cruces and part of the original Azcárate land grant. Situated north of El Paso del Norte, it extended roughly from present-day Montana Avenue, south to the Rio Grande, and from Stevens Street on the west, to Marr street on the east. Here, Juana and Hugh established the headquarters of their growing commercial ventures, and built their own large home, soon surrounded by serveral more buildings. Thus began the first permanent Anglo-American settlement north of the Rio Grande which Hugh named Concordia in Memory of his childhood home in Missouri.165

Describing Concordia as the “first permanent Anglo-American settlement north of the Rio Grande” is debatable. Juana María, a Mexican citizen, owned fifty percent of Concordia and the land still stood on Mexican soil, regardless of its position along the Rio Grande, therefore it can be inferred that Concordia consisted of a predominantly Mexican community cluster with one Anglo American (see illustrations 2-4, 2-5).

Further, the Mexican government awarded Juan Ponce de León a land grant (caballería or merced) “north” of the Rio Grande in 1827. Local historians recognize El Rancho Ponce de León as the first agricultural and ranching enterprise north of the river that consisted of a community cluster much like a company town, with homes for over a hundred workers and their families. De Leon’s enterprise and Rancho Concordia comprised the most successful commercial clusters during the Mexican period. Juan Ascárate utilized his land north of the river for grazing and storing of goods until the Stephenson-Ascárates erected their estate in 1830.

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1895), 369. According to Eddie French, Hugh’s great-great grandson, Hugh was born in Berkeley County, Virginia and at six (6) years old his father died. His mother took Hugh and his siblings to Kentucky where his uncle was governor of the state. At seventeen his mother died and he decided to move to Concordia, Missouri to live with relatives (conversation with Mr. French on May 3, 2014). Local historians, however, suggest that Hugh was born in Kentucky but was orphaned as a young boy and moved to Concordia, Missouri (or Lafayette County). Mr. French adamantly argues that he is correct and has documents that prove Hugh’s birth place.

165 Mayfield, 24-5.
Soon after, the Stephensons opened a mercantile store, hired many Mexican workers and their families and engaged in the production and sale of fruit, grapes, wine, and livestock.¹⁶⁶

Hugh Stephenson, known as don Hugo or Hugo Estevanson acclimated to Mexican customs and laws and his name began to appear in the courts as early as 1830. He relied on the judicial system to collect money owed to him, or when merchants sued him for outstanding debts, or the courts summoned him to appear when he engaged in criminal activity. For instance, he sued Vicente Marques for losing a horse and a mule left under his care. Although Marques claimed he did not intentionally lose the animals, the courts ordered Marques to pay market value for them.¹⁶⁷ Stephenson also sued Antonio Ascárate, Juana María’s uncle for an outstanding balance totaling nineteen pesos and five cents. Ascárate purchased merchandise from the Concordia mercantile store on credit and had not paid the balance in full.¹⁶⁸

Stephenson supplied his mercantile store mostly with American-made products transported on the Santa Fe Trail. He had many business contacts but Archibald Stevenson and Michael Woods were two of his closest trading partners. They delivered goods directly to Stephenson at Concordia or Stephenson sent a middle man who received the cargo once it arrived at Santa Fe customs and transported the merchandise to Passo.¹⁶⁹ On numerous occasions customs officials charged Stephenson with engaging in the trade of contraband merchandise. For example, his associate Archibald Stevenson smuggled six bars (arrabas) of chocolate and seven goat skins (cordovanas) into Mexican territory, both strictly prohibited.

¹⁶⁷ CJMA, roll 21, frames 565-6, December 28, 1830.
¹⁶⁸ Ibid., roll 23, frames 13-14, August 29, 1831.
¹⁶⁹ Documents reveal that Mexican representatives or middle men met Anglo traders arriving from Missouri and joined them as the American goods made their way southward. Possibly Mexican men were hired to deflect suspicion and avoid getting stopped by customs officials stationed along the Chihuahua Trail. Some historians suggest that Archibald Stevenson and Hugh were brother but there is no evidence that proves that plus their last names are never spelled the same in the CJMA.
items. Francisco Tovar joined Archibald in Santa Fe and together they continued on the Chihuahua Trail to Paso del Norte where Stephenson awaited his order. The customs administrator at Passo checked the cargo list (*manifiesto*) and discovered the chocolate and cordovanas, which were confiscated.\(^{170}\) Five months later, officials charged Stephenson with smuggling 468.5 bundles of English cotton and rolls of white cloth (*varas de manta inglesa y telas blancas*) into Mexican territory; they were not prohibited but were not declared at customs. Don Vicente Provencio transported the smuggled goods to Paso del Norte from Santa Fe, and before he delivered them to Stephenson at Concordia, customs officials confiscated the load.\(^{171}\) Officials added this new charge to the pending smuggling charges of January 1836 and at the court hearing the presiding judge ordered Stephenson to pay 220 pesos in fines and penalties for the smuggled cloth, however, the chocolate and goat skins were never returned.\(^{172}\)

Documents reveal that Miguel Woods worked as an independent trader. He sold merchandise to Stephenson, Juan Ponce de León, Santiago (James) Magoffin, and to other Paso del Norte merchants. Sometimes he sent a load of goods ahead with other traders and then arrived later to collect his profits.\(^{173}\) If Woods had difficulty collecting from his customers he relied on the Mexican courts to collect his money. On one occasion, Woods filed charges against Hugh Stephenson, Archibald Stevenson, and Santiago Magoffin when they refused to pay for merchandise sold to them on credit. This is one example of many that demonstrates that Anglos utilized the judicial system to collect on their commercial transactions, although most were not

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\(^{170}\) CJMA, roll 28, frames 208-10, January 25, 1836. An “arroba” is a measurement that equals approximately 11-1/2 kg per arroba. The presiding judge cited the laws of September 4, 1823 (*penas de comercio*).

\(^{171}\) Ibid., roll 28, frames 192-4, May 1836. A “vara” is approximately 2.8 ft.

\(^{172}\) Ibid.

\(^{173}\) CJMA, roll 28, frame 77, 1837, list of goods sent by Michael Woods to Passo totaling $1813; CJMA, roll 29, frames 5-6, 1837, Michael Woods filed charges against Archibald Stevenson and Hugh Stephenson for money due from a previous sale; CJMA, roll 29, frames 30-32, bill of sale listing numerous merchants that bought from Woods including Juan Ponce de León; CJMA, roll 30, frame 187, 1838, Michael Woods files charges against Hugh Stephenson and Santiago Magoffin for a past due debt.
naturalized Mexicans. There are a few other Anglo Americans mentioned in the municipal court archives, included are “William Keykindoll, Carlos Mcormick, Antonio Ribidoux, and Salomon Houck,” all of which were charged with smuggling goods into Mexico and for other clandestine activity. Only a small number of Anglo Americans remained in Paso del Norte during the Mexican period, most of those that passed through on the Chihuahua Trail were focused on trade and profits and returned to the United States, especially if they did not have a valid passport.174

Trade on the Camino Real encouraged the smuggling of goods. Antonio Ascárate engaged in the contraband of merchandise to avoid paying export or import duties as did many Spanish and Mexican merchants on the Chihuahua Trail before him, including his father Ignacio Azcárate. When Anglo American traders entered the market, they blatantly smuggled prohibited items without regard for Mexican laws, they smuggled articles that were not illegal but refused to pay import taxes to increase their profit margins and they crossed into Mexican territory without proper documents. Therefore, when Anglos crossed into Mexican territory they were in violation of numerous Mexican laws except the enforcement of trade laws varied from region to region and as merchants traveled southward, customs officials were tougher on smugglers.

Moreover, the Mexican period in borderlands history can be characterized as the second phase of economic growth. Replacing the barter system with cash transactions provided the reliance on money, which simultaneously expanded on the practice of paid labor.175 In addition to work as muleteers, who earned “two to five dollars a month plus food and shelter,” other commerce related jobs included agriculture, manufacturing and construction, bridge building, and a variety of service-oriented employment such as domestic work and even transporting water

174 Moorhead, 123. CJMA, rolls 27 and 28, frames 657-691, 267-71, and 391-413. In 1830 the Mexican government passed a decree ordering the forced deportation of all Anglo Americans without valid passports.
from the river to businesses and homes became waged work.\textsuperscript{176} The exploitation of labor resulting from long-distance trade and the demand for goods became a common practice, and one that partly defines U.S.-Mexico economic relations to this day.

In Paso del Norte, agricultural production and commerce were the main sources of large-scale employment. In the rural areas, large estates or haciendas such as the Rancho Ponce de León and Rancho Concordia maintained a community within their land where families worked and lived. In smaller haciendas or ranches demand for workers increased during cultivation and harvest periods and owners usually maintained a small permanent crew the rest of the year. In either case, employees worked long, hard hours and the pay hardly compensated for their labor.\textsuperscript{177} Conditions at the workplace were notoriously bad and enough complaints were filed by laborers, that the state of Chihuahua passed labor law #33 on November 1833, intended to provide employees with more rights at the workplace.\textsuperscript{178} During the late 1830s, a group of Mestizo and Indian agricultural workers from Senecú, Socorro, San Elizario, San Lorenzo del Real, Ysleta, and Passo filed a lawsuit against their bosses (patrones) for bad treatment, deplorable working and living conditions, excessive hours, not fulfilling contract agreements, and for the exploitation of children. In turn, however, producers alleged that laborers were under-performing during cultivation and harvest periods and failed to keep the main acequias clean. This case also addressed the improper conduct of the ex-alcalde don Fernando Rubio for ruling in favor of the proprietors and dismissing the charges of inhumanity against the workers when the case went to trial the first time.\textsuperscript{179}

\textsuperscript{176} Moorhead, 87. Paid labor replaced slave labor, abolished in Mexico in 1826 by Rafael Nuñez.
\textsuperscript{177} Martin and Wasserman, 301-04.
\textsuperscript{178} CJMA, roll 29, frames 270-90, June 4, 1837-July 1, 1838.
\textsuperscript{179} Ibid. Ex-alcalde Rubio ruled in favor of producers on May 22, 1837 and the suit resumed under another presiding judge on June 4, 1837.
The judges presiding over the second trial ruled in favor of the workers. They stated that laborers should be treated with consideration and respect and that local officials should regulate contracts made between owners and workers, who obviously needed representation. The children were ordered back to school and bosses were instructed to compensate the families for their child’s labor. Proprietors were chastised for their nonconformity and were reminded that the laws were there to correct such lack of respect for it.\textsuperscript{180} No data confirms if owners complied with the order; nevertheless, ruling against the wealthy did not occur often in the courts. Solidarity among the elite dated back millennia and they continuously strengthened their ties through marriage and business networks and while the collective nature of the lawsuit could have influenced the judges, one can speculate that the decision made against producers represented a conflict of interests growing among the wealthy in Mexican society rather than a result of a strong labor union. Loyalties had shifted with the emerging economic alliances between Mexican businessmen and Anglo Americans and the added foreign element initiated a rift in alliances that had existed for decades between Mexican, Spanish, and military elite.

A lawsuit filed against Juan Ascárate by fourteen farmers exemplifies how he alienated his local business acquaintances for economic gain. Farmers from Socorro, San Elizario, Ysleta, and San Lorenzo El Real alleged that they were being extorted by Ascárate. He proposed to install flap doors, establish watering hours with a twenty-four advance notice, and charge each farmer for the rights to irrigation water.\textsuperscript{181} The courts ultimately prevented Ascárate from realizing this undertaking; however, the idea of monitoring and charging for the use of irrigation water represented a way of initiating change in the structure of production. Evidently Juan lived

\textsuperscript{180} CJMA, July 1, 1838; CJMA, roll 14, frame 29, 1806. Children were taken out of the classroom and put to work and the school master in charge of the classroom suggested that the families were very poor and needed the income from their child’s labor to make ends meet.
\textsuperscript{181} Ibid., roll 30, frames 214-222.
in a strategic location where he could control the flow of river water and had the capacity to deny access to those that refused to pay for it. Why would Ascárate want to cause this type of rift among his peers? Possibly as Anglos introduced different ways to conduct trade and production Mexican merchants, manufacturers, and property owners started utilizing the same practices to increase their capital.

The municipal archives have aided in piecing together the economic growth of the Paso del Norte region. These documents provide a historical trajectory as the communities in this area transitioned from the colonial to the Mexican period, and the records also illustrate how Anglo Americans forcefully interjected their presence and economic persuasion in foreign territory. Both illegal Anglo immigration and overland trade were obstacles for the Mexican government who in less than two decades had passed a decree that “prohibited foreigners from exercising the retail trade unless they were naturalized citizens, married to Mexicans, or resident in Mexico with their own families.” In Hugh Stephenson’s case, he married a Mexican woman and cemented his position as merchant and miner almost immediately upon his arrival to the southwest, although he never became a naturalized Mexican citizen. After Mexico lost Texas to the “war party” led by Stephen F. Austin, all Anglo Americans were suspect and were persona non grata in Mexican society once the government realized the U.S. planned to invade Mexico.

Records indicate that the Mexican government took its last general census in 1844. Through the Stephenson-Ascárate union, one can sense anti-Anglo sentiments in a very subtle

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182 Texas Commission on Environmental Quality, Texas Water Code, Chapter 11, [www.tceq.texas.gov](http://www.tceq.texas.gov). Paying for water rights is a practice used throughout the United States. In Texas, one must acquire a permit to access water and sometimes the permit is issued for a limited number of years or temporary access is allowed, depending on the availability of water.

183 Timmons, 14-15

184 Mayano Pahissa, 12; James A. Henretta, David Brody, and Lynn Dumenil, *America a Concise History, Volume 1: To 1877* (Boston: Bedford/St. Martin’s, 206), 386.
way. On the census, Hugo Estevanson (Hugh Stephenson) is listed as head of household, except his name appeared as “Estevan Húgo” demonstrating a clear attempt to completely Hispanicize his name. The census show Hugh as a registered merchant with a total of 18 individuals in his household, including Juana Escarate and seven children whose surnames were also Huíg, two Escarate relatives, and seven other Spanish surnamed individuals. Perhaps they worked in the Concordia mercantile store or on the family estate. The only two Anglo Americans on that years’ census were Roberto McKnight and Santiago Bucklemann. They were registered as miners and living in Janos, Chihuahua and outside of Paso del Norte’s jurisdiction; however they were naturalized Mexicans, otherwise the government would have arrested or deported them.\footnote{CJMA, roll 33, frames 28-9, 77-87, March 22, 1844; roll 33, frame 256, April 10, 1844; roll 33 frames 199-210, 1844; roll 33, frames 37-8, partido de Janos, 1844. The Stephenson-Escarate children included Hugo Jr., 14, Margarita 12, Oracio 10, Leonor 8, Benancia 7, Alberto 4, and Adelaida 2. Also shown as living in the Alamo Gacho district were Juan Escarate, his wife Eugenia Romero, and two sons. McKnight had established roots in Corralitos and Janos since independence and became a Mexican citizen; however, this is the first time Bucklemann appears in any document. Sebastian Bermúdez, the census enumerator expressed concern with the results of the 1844 census because he found a deficit of over 2000 people. He indicated that perhaps people suspected the population count was meant to extract more contributions from an already economically exhausted region or perhaps the sense of the impending war could have influenced Paseños to withhold population data.}

Arguably, 1845 can be identified as a watershed moment in Mexican history. That year the United States annexed Texas, forcing the Mexican government to recognize that attempts to recapture Coahuila y Tejas were futile. Although American historians suggest that the Mexican government “abandoned efforts to reconquer Texas” after 1836, municipal archives challenge this view. All forced contributions for the war effort before 1845 were intended to fund the Texas campaign \textit{(la campaña de Tejas)}.\footnote{Henretta, et al., 386-7; Moorhead, 146. NMSRAC, Estranjeros Collection, 1959-058, 1823-48, Testimony of William G. Dryden in Chihuahua City, November 16, 1841. Moyano Pahissa, 143. One reason the Mexican government demonstrated a sense of urgency regarding the recapture of Texas was due to on-going efforts by Anglo “Texians” to annex New Mexico and their repeated attempts to renew trade with Mexico. Mirabeau Lamar the first president of the Republic of Texas made several attempts to renew trade with Mexico and historians suggest that Lamar sent a group of “Texians” to New Mexico, William G. Dryden and James Kirker among them, to negotiate a trade agreement. Upon arriving the men were accused of attempting to assassinate Governor Armijo and invade New Mexico and were arrested and forced to march into Chihuahua City where they were incarcerated.} That same year, the \textit{Ministro de Hacidenda} from the State of Chihuahua issued a \textit{suprema circular} (literally supreme circular) that made a general
plea to all Chihuahuenses for monetary contributions desperately needed to stop the U.S.
invasion (*invasion yanke*). This document represents the first time that the Mexican government
refers to the American threat as a Yankee invasion rather than as the Texas campaign.\(^{187}\) The
circular reached Paso del Norte where council members (*junta municipal*) discussed its contents.
Don Sebastian Bermudez officiated the meeting and with a tone of disbelief, expressed that U.S.
hostilities toward Mexico were “unfounded and ridiculous.” Robbing Mexico of a considerable
amount of territory justified U.S. invasion, this land however rightfully belonged to the heroes of
the independence movement. The members acknowledged that the republic had not recovered
militarily, but vowed to fulfill their patriotic duty and defend their nation. The committee
concluded with a sense of urgency and the need to assemble the militia forces in Paso del Norte
and move forward and in unison with the rest of the Mexican Republic.\(^{188}\)

During the war the state and federal governments ordered countless enumerations to
determine their position in terms of manpower and munitions. The rolls consisted of males
enlisted in the army, of males ages sixteen to sixty, of armed citizens, of males owning horses or
similar type animal in case a soldier needed to pursue the enemy, of those contributing to the war
effort, and the number of businesses both rural and urban. Numerous Ascárate men appeared in
just about every inventory taken during the 1830s and 1840s. They contributed money towards

\(^{187}\) CJMA, roll 31, frames 61-6, May 29, 1841, the government ordered a 3% forced contribution for the Texas
campaign; roll 31, frames 291, 296; roll 33, frame 112, June 15, 1841, contributions were divided by jurisdictions
including Passo, Galeana, and Janos, and determined by the number of years that one owned property, the value of
the property, and the number of animals and carriages owned, were calculated when determining quotas; roll 33,
frames 309-11, March 22, 1842, this decree was more specific and taxes were calculated on the types of businesses
such as brick makers, hotels, mills, entertainment establishments, and locksmiths, for example; roll 34, frames 1-9,
December 12, 1845.

\(^{188}\) Ibid., roll 34, frames 350-54, October 19, 1845. Invited to this meeting by prefect Sebastian Bermudez were
Ramoñ Ortiz, Francisco Robles, Guadalupe Miranda, Roñulo Barela, Francisco Rascoñ, José Ignacio Ronquillo,
Francisco Joaquin Valverde, Agapito Albo, Juan José Sañches, Sisto Irigoyen, José María García, and Jose María
Córdova.
the war effort, some of them were soldiers in the infantry, and they had horses, arms, and ammunition available in case they or the army needed them.189

Another concern for leaders involved populating municipally-owned land “north” of the river (en la otra banda del rio). The state offered tracts of land to citizens and entrepreneurs willing to relocate to Doña Ana (Colonia de Doña Ana) and join the community already established there. The only conditions were that the land be cultivated and occupied immediately and permanently. Approximately twenty-four petitions were filed in early 1846.190 Furthermore, establishing existing titles north of the river—in Paso del Norte—gave the municipality a better sense of land availability across the river. Approximately thirty-five individuals were named on the document; among them were Juan Ponce de León, and Hugo Estevanson, however, no Ascárate men were shown as registered title holders.191 The lots were legally described as located east to west by north (de poniente d’oriente por el norte), and the boundary to each tract of land was defined by its relation to the adjacent lots, and either an

189 CJMA, roll 28, frames 133 and 136; roll 21, frames 172, 164, registered men in the military included Jacinto and Vicente Ascárate, Juan Ascárate’s offspring, 1829 roll 27, frame 209, Antonio and Juan Ascarate and their sons are listed in a male only census, 1834; roll 28, frames 109-11, Hugh Stephenson and Antonio Ascarate are listed as owning horses, 186; roll 30, frame 143, Antonio and Juan Ascarate contributed to the war effort, 1840; roll 31, frame 289, some inventories were divided by pueblos in the Paso del Norte partido, which included Villa del Paso, San Lorenzo del Real, Senecú, Socorro, Ysleta, and San Elizario; roll 33, frame 5, 301, 34, 36, 67, 76, 158, 171, 183, 221, 242, 250, 255, 1844; roll 34, frames 424-29, 588-592, 593-598, 605, 606-08, 614, 615-19, 1845; roll 35, frames 42-49, 50-56, 252-57, 1846; roll 35, frames 156-60, 1847, during the 1830s and 1840s enumerations were ordered every quarter; Timmons 12-13. El Paso settlements responded that they had 1,796 men ready for duty, with 677 firearms, 575 bows and arrows, and 193 lances.

190 Ibid., roll 35, frames 355-57, February 1846. Most of the men that applied for land in Doña Ana could not write and a mark (+) is next to their name. The applicants included Victoriano Carbajal, Enrique Lioro, José María García, Catancio Rivera, Albino Rodela, Carlos Baclina, Julio Medrano, Timoteo Padilla, Pablo Madrid, Casimiro Loera, Vicente Provincio, José Abalos, Juan Gonzales, Victoriano Sánchez, Onofre Barela, Felipe Madrid, Vicente Padilla, José Padilla, Juan Medina, Timoteo Apodaca, Melitoín Giroín, Onofre Apodaca, Esteban Ramirez, and Anastacio Carbalaj.

191 CJMA, roll 30, frames 115-18, land registry, June 22-4, 1840, Antonio Ascárate filed a petition requesting title to land located in the Alamo Gacho district. Antonio explained that he acquired the land from individuals living in the same district under a buy and exchange contract (compra y cambio) and had been harvesting the land for many years (varios años). He possessed receipts that proved he had fulfilled his agreement and therefore rightfully owned the land. The judge questioned the three witnesses and ordered an accurate measurement of the land and the location of this plot in relation to the adjacent tracts. In the land registry of February 1846, however, no Ascárate is mentioned as owning a parcel north or “en la otra banda.”
individual or the municipality owned the plot, or sometimes the plot met the edge of the hills 
(lomas), or it reached the boundary line which ended at the edge of the river (con la margen del 
rio).  

On May 13, 1846 the United States formerly declared war on Mexico. The Army of the 
West seized New Mexico in August 1846 and proclaimed its authority over the territory. The 
invasion of New Mexico is described in the history books as a “bloodless” conquest. However, 
there is one main factor why this claim can be made by historians. Instead of placing an 
embargo on the overland trade like the Mexican government had done, the United States 
government encouraged merchants to continue with their scheduled yearly caravan. The 
commercial train served as a subterfuge in the occupation of New Mexico as the Army of the 
West paraded into New Mexico with a huge train of “merchandise of neutrals” consisting of over 
300 wagons, hundreds of merchants, their families, servants, cargo workers and animals (see 
illustration 2-6). Historian Angela Moyano Pahissa suggests that prior to the invasion James 
Magoffin made arrangements with President Polk to spy for the United States and facilitate the 
conquest. Part of the mission consisted of convincing Governor Manuel Armijo to welcome the 
caravan without challenges and apparently Armijo agreed. Moyano Pahissa’s research indicates 
that Armijo and María Gertrudis Valdeés, Magoffin’s wife, were cousins which gave Magoffin an 

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192 CJMA, roll 35, frames 9-13, decree of land granted to vecinos on the riverbank, de poniente a oriente por el norte (from east to west by north). The thirty-three other individuals are named as follows: Tomás Yrigoyen, José Robles, Marcelino Varela, Andres Varela, Antonio José Apodaca, Juan Regalado Silva, Luis Cuarón, Seferino Quesada, Juan Quesada, Bernabe Montoya, Pedro Aguirre, Pedro Trujillo, Jose Antonio Provencio, Tomas Silva, Felipe Madrid, Francisco Valverde, Leon Pablo Madrid, Marcos Apodaca, Juan Federico Zamora, Juan Apodaca, Onofre Apodaca, Jose Duran, Rosalio Apodaca, Gregorio Valencia, Calarancio Rivera, Rosalio Barron, Sarom Montoya, Leon Francisco Rojas, Albino Rodola, Nicolas Ortega, Leno Montoya, and Jesus Montoya. 


194 Moorhead, 153-4; Chaplain W. Morrison, Democratic Politics and Sectionalism: The Wilmot Proviso Controversy (Chapel Hill: The University of North Carolina Press, 1967), 3-6. Proslavery rhetoric was a big aspect of southern politics of the period and once President Polk took office (1845-1849), in addition to his expansionist goals, which included acquiring California and New Mexico, he supported slaveholding interests and advocated the expansion of slavery into southwestern regions. Relations with Mexico had fallen apart after Texas annexation (1845) and in 1846, Polk convinced Congress to pass a Declaration of War against Mexico—seen by then as a hostile nation. Moorhead, 153-4. Samuel and Susan Shelby Magoffin were among the merchants of this caravan.
advantage in fulfilling that very important element of the operation. James, his brother William, and other easterners arrived days before the main commercial caravan and continued southward but were apprehended in Paso del Norte, arrested and charged with treason, then they were transferred to Chihuahua City. An inventory of their belongings included numerous weapons (rifles, guns, ammunition, knives, gun powder), and provisions such as rice, tea, soap, coffee, cheese, salt, ham, and other perishable items. They were not carrying large loads of merchandise to sell or trade as suggested by other historical accounts, but only what seemed like enough rations to get them to their final destination and complete their orders.195

When the Chihuahuan government received word that the Army of the West moved southward, Chihuahuenses were notified that the Yankee invaders were headed in their direction. Paseños were instructed on how to secure their homes, their cattle, horses, and other animals. They were urged to keep whatever weapons they owned at hand and not be afraid to use them against the enemy. They were further instructed to aid the troops at all costs, remove any conveniences from their properties such as water or stored goods, and they were advised to burn down barns or similar structures to discourage the enemy from securing a camp site and taking shelter or taking hostages.196

Just before reaching Paso del Norte the American army encountered a company of volunteer Mexican militia at Bracito, nine miles from Las Cruces. The Battle of El Bracito—known as la Batalla de Temascalitos—considered the only encounter in “New Mexico” lasted “about thirty minutes.” Mexican troops, armed with bows, arrows, clubs, and very few muskets, 

195 Moyano Pahissa, 145-6; CJMA, roll 34, frames 109-11, November 23, 1846. The men apprehended included “Santiago Magoffin, Enrique Conelley, and Enrique Clauson.” CJMA, roll 35, frames 360-2. The Chihuahua government passed a decree that punished any Anglo American collaborators and traitors under the current invasion with death. The governor referred to the Novisimo Recopilicion under the Spanish legal code.
196 CJMA, roll 35, frames 26, August 30, 1846, frames 124-26, September 19, 1846; roll 34, frames 242-44, October 24, 1846; roll 35, frames 294-5, May 23, 1847. A decree issued by vice-governor instructed the military on the strategies of defense since the nation being invaded at different entry points.
suffered numerous casualties and were forced to retreat, while American forces continued into Paso del Norte and occupied it, also “without resistance.” They “arrested several Mexicans for anti-American activities including prefect Sebastian Bermudez and a priest named Ramon Ortiz” who had been sending reports to Chihuahua City detailing the movements of the Army of the West. 197 U.S. soldiers pillaged, plundered, and raped women, they took over private businesses and the government building. They destroyed “a portion of the municipal archives” and caused endless chaos before they continued south to Chihuahua City on February 1847, escorting the same caravan of merchants that first marched into New Mexico with them. 198

Another sequence of events that counters what is detailed above is articulated by historian Max Moorhead. He asserts that when the Army of the West and the commercial caravan marched into Paso del Norte, traders “opened their goods and did a thriving business for more than a month, exchanging their wares for corn, wood, hay, and cattle, which they sold in turn to the army.” 199 This account challenges the idea that the soldiers caused chaos in Paso del Norte, raped the women, and plundered food and provisions from the locals. J.L. Collins, a merchant in Paso del Norte during occupation, wrote to Manuel Alvarez in Santa Fe and indicated that the region profited from the war. He stated that while “Doniphan’s caravan” made camp there “some $40,000 were spent on local goods and merchandise, which was a substantial

197 Timmons, 19; Mary D. Taylor, “Cura de la Frontera, Ramoñ Ortiz” U.S. Catholic Historian Vol. 9, No. 1/2 (Winter-Spring 1990), 67-85. Doniphan’s Army took Ramoñ Ortiz prisoner and he accompanied the army to Chihuahua City. After the U.S.-Mexico War ended, Ortiz comprised part of the committee that negotiated the boundary issues and recolonization efforts. Paseños viewed Ortiz as one of Paso del Norte’s most influential citizens throughout the Mexican period as an ecclesiastic, landowner, and a political leader in local, state, and national affairs.
198 Ibid., 2 b b v v 0-21. Timmons suggests that Bracito was part of New Mexican territory; however, Chihuahuan boundaries extended into what is now present day Truth or Consequences so technically, the battle ensued on Chihuahuan territory. Once the commercial train arrived in Paso del Norte, merchants pressured General Doniphan to escort them to Chihuahua City, since their main concern involved selling their merchandise and they blamed the war for interfering with their sales. Many merchants on route to Chihuahua were apprehended mainly due to the absence of any proof that they paid import taxes when entering Paso del Norte.
199 Moorhead, 169.
profit for the local businesses and was much more than merchants would have made had it been
the Mexican army.”

Collins’ letter appears to be a justification for the invasion of Mexico and
bestows credit to the American merchants for their willingness to trade with the locals at a time
of necessity, at the same time creating heroes out of the occupation forces.

Chihuahua City officials circulated a general report detailing war conditions throughout
the entire state of Chihuahua in 1847. The report pointed out that the roads were operational
(transitables), however, criminals (malechores) were out to profit and the state of war overall
made for a high risk environment. The report recommended that people stay in their homes
unless they found it absolutely necessary to venture out. All hacienda activity had paralyzed but
plantations and orchards were in good condition and schools were closed, while municipalities
were functioning only under strict orders.

Meanwhile, local leaders attempted to gain a sense of normalcy in Paso del Norte.
Officials prepared a list of men (by district) who paid their poll taxes on December 1847.
Included were two new districts: “Mecilla and Colonia de Guadalupe” and Ascárate family
members were shown to be living in the Alamo Gacho district. Moreover, businessmen filed a
letter with the courts demanding access to water and a guarantee that title to their lands would be
validated in case Mexico lost the war. Juan Ponce de León and Hugh Stephenson were among
the petitioners concerned for their properties, quoting the colonization arrangements of the 1820s
and demanding that they remain in full force.

200 NMSARC, Read Collection, serial 8419, folder 106, February, 4, 1847.
201 CJMA, roll 34, frames 254-279, 1847.
202 Ibid., roll 35, frames 156-60, December 13, 1847. Colonia Guadalupe is opposite present-day Fabens, Texas.
203 Ibid., roll 35, frames 3-4, December 4, 1847. In addition to Ponce de León and Stephenson, Jose Robles,
Guadalupe Miranda, Rafael Reveles, Jose Velarde, and Carildo Barragas (?) also signed the letter requesting that
they be given access to water “with regularity” so they could cultivate their lands.
The signing of the Treaty of Guadalupe on February 2, 1848 officially ended the U.S.-Mexico War. Prisoners were released, including Santiago Magoffin, and the new boundary stood at “the Rio Grande…following the deepest channel…to the point where it strikes the southern boundary of New Mexico; thence, westwardly, along the whole southern boundary of New Mexico (which runs north of the town called Paso) to its western termination, north to the Gila River, then following Gila until it empties into the Colorado River, and westward to the Pacific.” Three days after officials signed the treaty, the Chihuahuan government submitted a formal protest regarding the boundary, stating that the Paso del Norte region would lose access to the natural resources that the communities had subsisted on for over a century. People living on the east side would have to abandon their public lands (ejidos), including the fertile river banks, the mountains, the salt deposits, and all lands that the inhabitants of Paso del Norte possessed on the left bank of the Río Bravo. Further, the populations that ended up “south” of the river would have to “apply and pay for firewood, charcoal, salt and for access to the river.” If the Río Grande remained as the international boundary, “a new dam needed to be built that channeled water to the center of the town,” otherwise, the region south of the river would cease to exist.

The Río Grande served as the life line for Paseño communities and people relied on the natural resources from both sides of the river for sustenance. Throughout the centuries the river functioned as part of the municipality and as a regional resource accessible to everyone and treated as part of Chihuahuan territory. The Camino Real de Tierra Adentro connected Mexico City to Santa Fe, New Mexico and goods were transported up and down this route keeping communities supplied with everything from agricultural products, to dry goods, to hardware, to European imports. Social, political and economic structures were well-established throughout.

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204 Timmons, 24.
205 Ibid., 25-6.
the republic and people migrated with trade caravans looking for employment or for investment opportunities. Once Anglo Americans joined the Chihuahua Trade, currency replaced the barter system and idea of wages or currency became the main mode of income of laborers. The idea that America rescued Mexico from the verge of economic ruin is historically inaccurate and primary documents reveal that people occupied the east bank and utilized the lands for harvesting or grazing. Trade relations did evolve, however, and the U.S. government utilized the economic system to invade a nation that had not recovered militarily but one very rich in resources and markets. Nina Veregge points out that the second phase of Anglo American occupation of the southwest took place after 1848, while economic relations between Mexico and the United States transitioned into its third stage.
Chapter Three

El Paso, Texas: The Invention of a Historical Past

On November 28, 1848, Magistrate F. White of New Mexico sent Prefect Sebastian Bermúdez of Paso del Norte a letter demanding that Mexico release the towns of Ysleta, Socorro, and San Elizario (known as the Island) to the U.S. government. White stipulated that the Treaty of Guadalupe Hidalgo allocated all territory on the “east side of the deepest channel of the Rio-del-Norte below the town of El Paso” to the United States, and he expected to extend his jurisdiction over these towns immediately. Bermúdez responded that the towns were on Mexican soil and advised White that the governor of Chihuahua would be advised of the letter and would take further action. The area measuring 29,670 square miles included the town now known as La Mesilla, New Mexico and southern Arizona, which became a subject of heated debate between Mexico and the United States until 1853, with the ratification of the Gadsden Purchase and the U.S.-Mexico boundary permanently defined. Anglo expansionists arrived with predetermined views of Mexico and its people, and utilizing the judicial system, the print media, and other U.S. institutions, Anglos embarked on a racialization process that included land

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206 Helen Orndorff, “Agriculture in the El Paso Valley: 1821-1870” Password Vol. X, No. 4, (winter 1965), 137-144. In 1842 a shift in the river current created the area known as “The Island” on the east bank of the river. The island was viewed as “one of the most fertile spots in the entire El Paso Valley [and] a road wound through the island past cultivated fields of rich and well-irrigated soil, and pastures in where were flocks of goats, a few cattle, kept from the fields of wheat and corn, not by fences, but by herdsmen…on this island were green luxuriant fruit trees—pears, peaches, apricots, and plums—growing in endless profusion. Vineyards interspersed the wheat and corn fields. Irrigation canals diverted water through the island. Inhabiting the island were Mexicans with high sombreros, wide-flowing drawers, and leather breeches. No Anglo-Americans, it should be noted, were farming the land.”

207 Ciudad Juárez Municipal Archives, MF 513, University of Texas, El Paso, Microfilm Collection, (hereinafter CJMA), roll 35, frames 212-17, letter from New Mexico Magistrate F. White dated November 28, 1848 and response from Prefect Sebastian Bermúdez dated January 7, 1849; CJMA, roll 37, frames 84-90, October 5, 1852. These documents are signed by Mexican delegates that agree to the changes in boundary that made Canutillo, Ysleta, Socorro, and San Elizario part of U.S. territory.
usurpation, economic marginalization, forced repatriation and the denial of civil rights. In addition, the myth of the vacant frontier aided in erasing the presence of ethnic minorities from the northern borderland regions and the reproduction of history also removed them from their place in U.S. history as original settlers.

This chapter relies on territorial records, Spanish language municipal archives, and borderlands history written by Mexican scholars to contribute new knowledge of El Paso’s historical past. Archives have power and local, regional, and national historians have only relied on English language sources and on previously written narratives to chronicle borderlands and western history and have subsequently produced one-sided accounts that create the silencing of words and people. Spanish language records aid in tracing the commercial activity of the Stephenson-Ascarate economic and social networks, which include Anglo pioneers arriving after 1848 and established roots in the tri-commercialized zone, as well as the Mexican elite that also profited from both trade and social unions. These records challenge the notion that El Paso was a sleepy pueblo, and at the same time, the archives demonstrate that Mexicans were well-informed of their rights under the Treaty of Guadalupe Hidalgo and they utilized the American legal system, regardless of the language barriers, to protect what rightfully belonged to them. When their reliance on U.S. institutions proved futile, Mexicanos resorted to resistance movements to oppose forced repatriation, land theft, racism and discrimination (see Chapter Five for more on resistance activity).

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208 Martha Menchaca, Recovering History, Constructing Race: The Indian, Black, and White Roots of Mexican Americans (Austin: The University of Texas Press, 2001) 1-3. Menchaca argues that “racial status hierarchies are often structured upon the ability of one racial group to deny those who are racially different access to owning land,” which is a process she defines as racialization.


210 The tricommercialized zone consisted of the area from Las Cruces, New Mexico to Paso del Norte, Chihuahua (the space just south of the river, that at one time extended into Chihuahua City).
The dynamics of trade and government authority and the uniformity that existed during the colonial and Mexican periods ended with U.S. conquest. Following invasion, laws were implemented that encouraged expansion and settlement and the idea of individualism—equal rights and opportunity—but only for the racially superior classes. Further, capitalist seeds planted during the Mexican period aided in the economic transformation of the northern borderlands by increasing production, human exploitation and waged labor. Trade and commerce continued to dominate in importance, however, and records indicate that Anglo merchants by the hundreds applied for safe conduct passes (cartas de seguridad) to enter Mexican territory. Mexican merchant trains also traveled north to El Paso almost daily, carrying silver, mules and other products that were delivered to Rancho Concordia and the other “original” settlements or the trains continued north to Santa Fe and points in between. Nevertheless, the flow of contraband goods into Mexico outnumbered what Anglo merchants crossed legally. This criminal activity and increasing U.S. presence were a constant topic among Mexican politicians. In early 1849, the Mexican government passed trade laws aimed at curtailing contraband and Anglo corruption that had become a hindrance since the 1820s. The main initiative for politicos involved identifying entry ports for U.S. merchants and that all foreigners present a passport for both trade and travel. Further, the Mexican government prohibited transporting slaves into Mexico and Anglos were warned to refrain from behaving

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212 CJMA, roll 36, frames 1-2, January 19, 1850 and 1851; frames 12-16, July 3, 1851. This list consisted of 194 foreigners who presented their passports at the El Paso, Texas-Paso del Norte port. The names on this list are not familiar, which indicates that these Anglo men were travelers or merchants that either established roots elsewhere or they returned to the United States. Frank Louis Halla, Jr., “El Paso Texas, and Juárez, Mexico: A Study of a Bi-Ethnic Community, 1846-1881” (The University of Texas at Austin, Ph.D., 1978), 156.
abusively or making derogatory remarks about the Mexican government and its laws while on Mexican soil.\textsuperscript{213}

The first wave of Anglo pioneers arriving in this area initially acquired land by squatting and through fraud. The committee of Private Land Claims appointed in 1854 facilitated in the legitimization of land already in the possession of Anglo settlers, as long as they provided “valid” title or through the purchase of headright certificates.\textsuperscript{214} The period from 1848 to 1858 is marked by the arrival of six original settlers, identified by local historians as Frank White, Ben Franklin Coon, Simeon Hart, Benjamin S. Dowell, W.W. Mills, and James Magoffin. These settlers joined the two existing commercial clusters already established and owned by Juan Ponce de León and Hugh and Juana María (Ascárate) Stephenson. The transient Anglo population, however, consisted of military and ex-military, travel writers, adventurers, and undesirables. The higher ranking officers married into Mexican wealth or were befriended by “Mexicanized Anglos” like Hugh Stephenson. Transients developed certain characteristics that included gambling, drinking, gun toting and womanizing. Historian Owen White describes these

\textsuperscript{213} CJMA, roll 35, frames 117-120, June 19, 1849; CJMA, roll 37, frames 118-124, September 8, 1852. A letter written by Luciano Telles, a customs official at Paso del Norte, ordered that all contraband by Norte Americanos whether small or big had to be stopped at the port. One caravan in particular coming from San Antonio had a free pass to cross into Mexico without paying duties, nevertheless, customs officials stopped it at Paso del Norte and the goods were confiscated. Emilio Langley was in charge of this caravan and wrote a letter to the jefe político complaining that officials did not honor his guaranteed safe passage letter he carried with him. Martín Gonzalez de la Vara, “Mexicanos y Norteamericanos en el Desarrollo del Comercio de Santa Fe, 1821-1860” Memorias del Coloquio Internacional El Camino Real de Tierra Adentro José de la Cruz Pacheco y Joseph P. Sánchez, eds. (Mexico: Colección Biblioteca del INAH, 2000), 191-213. De la Vara suggests that just after the war, strict import laws and high duties implemented by the Mexican government initiated a decline in Chihuahua’s economy, including Paso del Norte and El Paso. Another factor that contributed to Chihuahua’s declining economy was the two custom houses located in El Paso County and other historical events such as the Gold Rush, which deterred wagon trains heading west away from the Mexican markets. The economic decline was short-lived however.

\textsuperscript{214} Jocelyn J. Bowden, “The Ascarate Grant” (Texas Western College, M.A. Thesis, 1952), 37-9. Although the Treaty of Guadalupe Hidalgo guaranteed that Mexican land holders would preserve their Spanish and Mexican grants, the Texas government passed several settlement Acts that gave land to individuals if they settled in Texas. Heads of families who immigrated to Texas “were entitled to receive a second class headright certificate for 1280 acres of land and a single man a certificate for 640 acres of land…[or] depending when [at what historical period] the families or individuals migrated, they were entitled to a third class headright certificate for 640 acres of land and 320 acres for single men” (the fourth class headright certificate awarded the same amount of land as the third class certificate). The word “valid” is utilized in quotes because the validity of the title is questionable.
migrants as “pioneer parasites…the nonproductive, the traveler, the sport element, looking for an easy, free ride [and] they criticized everything Mexican, which became a particularly favorite topic of the Anglo newcomer.” This behavior and mentality continued to be replicated with each wave of settlers and transients that made their way to the region.215

Considering El Paso County, Dona Ana County, and Paso del Norte, Chihuahua as a whole is significant given that this region had ties through trade, kinship and communal practices. Municipal records help shed more light on the Ascárate family, whose presence and existence did not end with U.S. conquest; they continued to be politically, economically, and socially connected and they traversed from Las Cruces to Paso del Norte for both business and pleasure. This area is also important since the majority population living north of the river consisted of ethnic Mexicans. Official data situates the Mexican population north of the river as being very low and almost scarce in some sections of the borderlands; however, most of the works cited in this study recognize that the majority population consisted of people of Mexican origin.216 Municipal records list at least thirty-three Mexican individuals as owning property directly north of the Rio Grande in 1848. Mexicanos also lived in private estates including Rancho Concordia and Rancho Ponce de León, in addition to the over 8,000 ethnic Mexicans living in Ysleta, Socorro, and San Elizario as well as those living in the area now known as the Mesilla Valley and Las Cruces.217 Once easterners appeared on the landscape, tales of low


216 Halla, Jr., 152. “Ethnic Mexicans comprised the bulk of the population on the north bank throughout the pre-railroad era.” After 1848, travel journalists were ubiquitous throughout the southwest and they all had their own interpretation of El Paso and its population, most comments about Mexicans were unflattering and many writers counted only a few Mexicans living north of the river.

217 See Chapter Two, page25, footnote 69; Halla, 148. Halla identifies the emergence of two separate enclaves in north El Paso: 1) the private estates of Molino, Magoffinsville and Concordia, which “reflected the predilection of their owners for a style close to a desert interpretation of seignorial (lord or noble)” and 2) Coons’ Ranch, Smithville, Franklin (El Paso), was palpably a creature of capitalism, its size and prosperity dictated by distant
population counts became part of the legend of the southwest frontier. One traveler, on his way to California, claimed there were “50 Mexicans all told” living in the borderlands region.\textsuperscript{218}

The community clusters established by the so-called pioneers—White, Coon, Hart, Dowell, Mills, and Magoffin—were modeled after Rancho Concordia (aka Rancho Ascárate and Stephensonville). They were equipped with a mercantile store, corrals, blacksmith services, bakers, seamstresses and laundresses, numerous warehouses, a main house or hacienda, and Mexican employees and their families lived on the compound. They cultivated vines, orchards, wheat, corn and herded animals.\textsuperscript{219} These estates had access to the main dam and to canals and irrigation systems, as well as to the timber and the salt deposits. The region had the necessary infrastructure for the survival of commercialized communities.\textsuperscript{220} When Magistrate F. White ordered officials to start charging Mexican farmers four pesos (\textit{reales}) per bushel (\textit{fenega}) of salt extracted from the lakes (located at the base of the Guadalupe Mountains), the entire Mexican population resisted this measure by mining the salt without paying the duty and crossing the salt into Paso del Norte to trade with their networks.\textsuperscript{221} In addition, since Mexico still had jurisdiction over the communities north of El Paso in 1849, the inhabitants sent a formal letter to Juan María Ponce de León, Prefect of Canton Bravos (a district of Paso del Norte), demanding that their freedom (\textit{uso libre}) to extract salt be respected. They also expressed their concern for markets, with attendant dislocations.” I include Senecú (the spelling later changes to Cenicu) as part of the island communities because half of the town ended up in the island when the river changed current. All complaints dealing with land theft and Anglo racism up to 1854 included complaints from those Senecú residents that were north of the river. Later that portion of Senecú became part of Ysleta.

\begin{footnotesize}
\begin{enumerate}
\item White, O., 84; John McCoy, \textit{Pioneering on the Plains: Journey to Mexico in 1848: The Overland Trip to California} (Kauhuana, Wisconsin, 1924).
\item Russell A. White, \textit{El Paso del Norte: the Geography of a Pass and Border Area through 1906} (New York: Columbia University, 1968), 152. “The lower valley (north) had over 10,000 hectares under irrigation in 1848.” White, O., 45-6. White claims that the Anglo American contributed “practices in medicine, merchandising, government, contracting, saloons, dance halls, and gambling houses” to the region after conquest.
\end{enumerate}
\end{footnotesize}
their lands which they sensed they were in danger of losing, followed by their displacement (despojo), and they emphasized that Anglo encroachment directly violated their rights as stipulated under the Treaty of Guadalupe Hidalgo.222

Two days after citizens complained to Ponce de León, F. White took possession of the woodlands (bosque) and the dam (presa).223 De León dispatched two letters within a four-month period to U.S. authorities pointing out that the communities on the north side of the river (en la otra banda) needed access to wood to reduce the grapes to wine and brandy and they needed water for irrigation or they stood to lose their entire harvest. He expressed concern for the people now under foreign control (dominio estranjero) that were clearly politically and economically underrepresented and he indicated that they (the people) did not want to leave their properties (terrenos). As the original owners of those settlements, foreigners had no rights legal or otherwise to any part of that region. De León suggested that Anglo prospectors could offer to buy their clusters (ejidos) from those willing to sell, but the persecution of ethnic Mexicans needed to end. He wanted to resolve the problems created for the poor (remedio a aquel mal hecho a los pobres), the victims of conquest, but pointed out that Mexicanos faced grave penalties if they moved south of the river without authorization (penas graves si pasan un palo pa esta banda). De León’s requested that U.S. authorities give him some time to see if what he had planned would materialize.224

Documents reveal that Ponce de León and other officials were concerned over the inevitable forced removal of Mexican Americans from Santa Fe to El Paso. Mexican officials

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222 CJMA, roll 35, frames 20-3, January 25 and 26, 1849. After the river current separated Ysleta, Socorro, and San Elizario (and Sinecu) in 1842, they were divided by a body of water from the rest of Paso del Norte.
223 W.W. Mills, *Forty Years at El Paso, 1858-1898* (El Paso: C. Hertzog, 1962), 7. The dam was already 100 years old in 1848 and the Mexican government ensured its upkeep and continued to do so without charging the U.S. in order to maintain a steady flow of water to the down river communities located south of the river.
224 CJMA, roll 35, frames 24-26, January 28, 1849; frames 5-8, April 17, 1849; CJMA, roll 35, frame 19, November 13, 1850. The minister of relations from Chihuahua City sent a letter to de León indicating that the government would take every precaution to ensure that the treaty would be fulfilled.
negotiated for the creation of two new communities: Guadalupe and San Ignacio. Laws were passed to establish these villages utilizing the Repatriation Acts of 1833, when ethnic Mexicans faced similar circumstances in the Río Grande Valley and Central Texas during and after the Texas Revolution. Guadalupe Miranda and Father Ramón Ortiz were appointed to spearhead the resettlement operation. Some of the concerns included issues of water and land distribution once groups arrived given that people were accustomed to owning and working their own lands (see below). However, accommodating hundreds of people made it highly unlikely that they would receive parcels equivalent in size or quality to what they were forced to leave behind. Nevertheless, Mexicanos did not want to migrate south, not because they denied their heritage or allegiance to Mexico but because their livelihoods, as a consequence of historical events, lay north of the river. They did not leave conquered territory out of personal choice; they left as a result of forced removal and due to the racial agenda that denied ethnic minorities their rights to land and citizenship.

Not all Mexican groups were considered a threat to Anglo expansion and settlement, however. Those that lived at the Concordia estate since the 1830s, and those hired by the new settlers escaped expulsion, mainly due to their status as laborers who were subjected to exploitation and because they did not claim ownership to conquered land. Data points to the forced repatriation of thousands of Mexicanos immediately after the war; some trickled south grudgingly from 1849 to 1853 and in 1854 hundreds were forced to leave their homelands. Moreover, many others resisted repatriation efforts by filing formal appeals to the Mexican government, to the New Mexican government, and to the Committee of Limits. They

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225 Ibid., roll 35, frames 99-120, April to August 1849; CJMA, roll 37, frames 118-123, February 11-14 and September 2, 1852. The village of Guadalupe was established specifically to accommodate the citizens living in the Mesilla Valley.

226 William Wallace Timmons, El Paso: A Borderlands History (El Paso: Texas Western Press, 1989), 27. Many of the 5,000 lost their land to usurpers, some of whom were holding headright certificates.
complained of blatant Anglo abuses (con audacia) and their efforts to usurp their lands (usurpación de terrenos), underscoring the continuous violation of articles 8, 9, and 10 of the Treaty of Guadalupe Hidalgo. These petitions were signed by numerous landowners, who were unmistakably aware of their rights and familiar with the legal process that did not differ significantly from their own, regardless of the belief that Mexicanos were ignorant and uninformed of the changes occurring in the legal and economic systems.\textsuperscript{227}

U.S. policies were instituted throughout the borderlands to protect westward expansionists. The judicial system and other institutions “confer[ed] social and economic privileges to whites” and ethnic Mexicans were given the option to either repatriate or accept the economic policies that relegated them to low-waged labor and placed them at the bottom of the social hierarchy.\textsuperscript{228} The U.S. government disregarded attempts to achieve hegemony or consensual rule; they wanted the total emigration of ethnic minorities from the region or their subjugation, regardless of its agreement to respect their constitutional rights.\textsuperscript{229} The communities from both Doña Ana and El Paso counties acted in solidarity and resisted the implementation of laws that offered free land to white families or individuals willing to settle in Texas. They did not behave radically at first, but did make every effort to defend their stance in the courts and garner as much support as possible from the Mexican government.

Communal complaints against Anglo abuses were more complex given that these involved large groups of people. In other instances, individuals who owned land in Doña Ana County filed lawsuits against Anglo crooks in the New Mexico courts. These court cases were

\textsuperscript{227} CJMA, roll 36, frames 79-100, January 1849 to January 1850.
\textsuperscript{228} Menchaca, 1-3.
\textsuperscript{229} Bill Ashcroft, Gareth Griffiths, and Helen Tiffin, Post-Colonial Studies: The Key Concepts (London: Routledge, 2000), 116-17. Antonio Gramsci popularized the term “hegemony” in the 1930s and is generally understood to mean “domination by consent” or “the power of the ruling class to convince other classes that their interests are the interests of all.”
more specific and both plaintiffs and defendants were identified by name. Hugh Stephenson is named as defendant in numerous lawsuits where the plaintiffs alleged the Hugh defrauded them of land and money. Hugh’s behavior demonstrates the westward expansionist mentality and behavior of the time and the cases illustrate that the American judicial system and its officials aided in the dispossession of lands and sanctioned the discrimination and violation of minority rights. The following cases involving Hugh Stephenson reveal how civic leaders and amateur historians have neglected to search through Spanish language sources, which are abundant in our university library, and have transformed legends and folklore into valid histories. They give the past a sense of being “finished, fixed, and final,” which silences or buries facts and actual events for the sake of romanticizing conquest and its Anglo heroes.230

In 1825, Hugh Stephenson befriended Juan Antonio García, original holder of the Bracito Grant (23,000 acres in size). García lived “in a good house with his family and servants, at a place called the Bracito, on a large and extensive society with a large quantity of stock of various kinds around a large quantity of land in cultivation and a good asequia [sic] from the Rio Grande.” In 1828 Stephenson negotiated with García for the purchase of two-thirds of the land for $1,000, but before they signed the agreement, don Juan died unexpectedly. His son Francisco and the Bracito community remained on the land; however, they still needed money since the community had subsisted without government funding and their reserves had long run out. Francisco agreed to sell Stephenson the 15,332 acres for the agreed sum. In no time, Stephenson took possession of the Bracito tract, including the 7,666 acres that were not part of the sale, and he did not pay Francisco the $1,000.231

230 Trouillot, xix, 26-7.
231 New Mexico State Records and Archives Center (NMSRAC), serial #13844, District Court, Dona Ana County Civil Case #754, file #1884, May 17, 1853 to December 31, 1856. Juan Antonio García petitioned for the Bracito Grant in 1805. The Spanish government agreed that the grant would be made upon permanent settlement of the
Francisco García y San Juan, et al., filed a suit against Hugh Stephenson in the Doña Ana County courts on September 16, 1851. Francisco provided all the documentation proving that his father, Juan A. García, held the original title to the Bracito land and that it had been occupied since 1805. In addition, Juan Ponce de León certified that the area known as Bracito had been occupied by the Garcías and the other families for decades and that Juan García had cultivated the soil and raised stock at his own expense and had kept the neighboring Indians at peace. He had also provided services to travelers, including those from the “white nation.” William Pelham, surveyor general of New Mexico agreed that Francisco had sufficient proof that showed his father Juan as the original grantee—although a portion of the documents were destroyed by occupying soldiers in 1846—and that the stipulations under the Treaty of Guadalupe Hidalgo validated Juan García as original owner of this tract of land. Nevertheless, Pelham argued that Francisco García had not fully proven that he was Juan’s legitimate son and legal heir and assignee of the Bracito Grant.232

The case remained in litigation for five years. On December 31, 1856 the court recommended that the matter be “transmitted to the proper department at Washington for the action of Congress.”233 Ironically, Francisco García did not sue Hugh Stephenson for the entire Bracito tract; he only wanted the 7,666 acres plus the $1,000 for the sale of two-thirds of land, which represented the original agreement—he showed honesty and integrity by honoring his father’s contract. Further, the courts never required Stephenson to prove ownership, provide a contract of sale or any receipts that verified the transaction between Francisco García and land. García petitioned again in 1816 and stated that several individuals from El Paso were already settled on the land, including some Apache Indian families so peace could be maintained. The land was finally granted to García by the Mexican government in 1822 or 1823, approved by José Ordás, lieutenant governor of El Paso. The quote is from a deposition taken from Hugh Stephenson on May 18, 1856, as to his acquaintance with Juan A. García.

232 NMSRAC, December 31, 1856. In the documents several comments were made about the destruction of documents by U.S. troops, in particular, a large portion of the public archives where the originals of all grants were required to be deposited, were deliberately destroyed.

233 Ibid., December 31, 1856.
himself. If the courts did not legitimize Francisco García’s position as heir and assignee, why did they validate an elusive bill of sale between Juan García and Stephenson? The paper trail regarding this case ends with Pelham’s recommendations. Nevertheless, historical accounts of the Bracito Grant can provide us with the outcome: On September 1, 1861 Hugh Stephenson rented the Bracito land to the Confederate State for the purpose of establishing Fort Fillmore. The agreement was made between “Lieutenant Colonel John R. Baylor, commanding the forces of the Confederate States of America in the Territory of Arizona, and Hugh Stephenson, a citizen of the County of El Paso and State of Texas,” for $3,000 a year, which included the use of the timber for wood as necessary.234

Juan García, the original grantee, relentlessly petitioned the colonial government and then the Mexican government, until they granted him ownership of the Bracito tract. The absence of his testament created an opportunity for Stephenson to appropriate land without paying a cent other than perhaps some legal fees. He allowed the judicial system to follow its course and in a matter of years, the courts awarded him 13,000 acres of land, even if the Bracito community had occupied the property since the colonial period. In any case, Hugh Stephenson forced the displacement of a whole village. They had nowhere to go and they had no money to rent lodgings or acquire shelter north of the river. What happened to the Bracito community? These court records acknowledge the existence of a community that lived in Bracito before they were forced to leave; nevertheless, there are no other records that can explain where they went. Historian Michel-Rolph Trouillot suggests that a historical narrative consists of “bundles of silences” and incorporated within each bundle is a process of silencing others like the Bracito

234 Ibid., Twitchell Collection, Territorial Papers, serial 8472, folder 87. Wendell V. Hall papers, serial 19589, “Hugh Stephenson Grant, 1900-1903,” a survey was ordered by the U.S. surveyor general to correct some measurements of the land.
community tragically erased from existence when they were forcefuly removed from their homeland.235

While Stephenson engaged in a legal battle over the Bracito lawsuit, the courts summoned him to appear again regarding title to a mine. Plaintiffs Alejo Carrasco, José Perez and José Blas Durán filed a lawsuit against Hugh for legal ownership to a mine located in the Organ Mountains (Santo Domingo de la Calzados en las Sierra de los Organos). Stephenson agreed to purchase eight shares or a one-fourth part of the mine (24 shares total) in exchange for $150 in updated mining equipment and $400 from the yields of the mine. Carrasco and Stephenson signed a contract on June 20, 1852, but before the other two could sign, Stephenson claimed he lost the document. Stephenson refused to sign another contract and reneged on the other stipulations of the agreement. After the men badgered Stephenson over a two-year period, he finally furnished them with mining equipment at “exorbitant prices,” but never paid the $400. The Mexican American men filed a lawsuit against Stephenson to recover the eight shares on December 1854.236 They were ordered to appear in court with $150 and proof of ownership to the mine. Hugh argued, however, that he had supplied the defendants with equipment from his store located in “Concordia, Texas” that totaled $550 and wanted the defendants to release title of the mine to him. A court document dated September 12, 1855 shows that Hugh Stephenson paid a $600 settlement to Blas Durán, et al. The ruling released Stephenson from further legal obligation and the courts ultimately awarded him full ownership of the mine.237

235 Trouillot, 26-7.
236 NMSRAC, serial 13841, Alejo Carrasco, et. al., vs. Hugh Stephenson, Dona Ana County, February 28, 1855.
237 Ibid., serial 13841. September 12, 1855.
On February 28, 1855, Lewis Flotte filed a claim against Stephenson regarding three shares of the same silver mine in the Organ Mountains. Flotte alleged that Stephenson falsely and fraudulently represented the mine revenues, which at the time (1853) were presumably yielding seventy-five percent of its capacity. In the court records, Flotte claimed that he purchased three shares of the mine from Stephenson for $2,000, and it cost him $4,000 to relocate to Las Cruces from the east. As an experienced miner, Flotte provided powder, steel, and the manpower to work the mine. After six months of continuous quarrying he had not made a profit and calculated a loss of $20,000. Flotte threatened to sell his shares but Stephenson convinced him to wait, obviously since the Carrasco, et.al lawsuit had not settled. Flotte sued Stephenson for $25,000 in damages plus attorney fees and sought the forfeiture of Stephenson’s own shares of the mine (21 shares total) claiming that Hugh had violated the mineral ordinances of “Spain, Mexico, and now the Territory.”

Lewis Flotte injured his knee on a freight train near San Marcial, New Mexico, and it became infected, which lead to amputation and death in April 1855. Flotte died before the case went to trial, which is why the paper trail ends so abruptly. Local historian James Dwyer Magoffin asserts that Hugh “located or acquired the famed Stephenson Mine, in the Organ Mountains, near Las Cruces, which has steadily produced through the years.” There are no clues in Dwyer Magoffin’s essay that reveal how Stephenson “located or acquired” the mine, and although Flotte alluded to the lack of silver ore after six months of mining process, Stephenson did not actually invest money in the mine for the purchase or extraction of its silver. Carrasco

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238 When Lewis Flotte first arrived to the southwest officials appointed him commissioner to the District Court of the United States for Doña Ana County in 1853 and 1854 and took depositions from both parties when Francisco García sued Stephenson over the Bracito land. That is how he met Stephenson and subsequently agreed to lease the mine from him.

239 NMSRAC, serial 13841, Lewis Flotte vs. Hugh Stephenson, Dona Ana County, February 28, 1855.

and his associates relinquished all rights to the mine when they accepted the $600. The men had no equipment of their own since it had been stolen by the Indians and the supplies Stephenson sold them were returned as part of the settlement. With three shares sold to Flotte for $2,000, Stephenson had earned $1,400 and full rights to the Santo Domingo silver mine.241

The same year that Flotte filed a lawsuit against Stephenson, Hugh peddled the mine to another unsuspecting individual. On October 22, 1855, Hugh rented the mine, its equipment, the adjacent hacienda and access to all resources for a one-year term to Mariano Varela. Varela rent the mine for $800 and arrangements were made for Varela to make monthly installments. At the same time, Varela purchased merchandise (dry goods and equipment) from the Concordia mercantile store on credit totaling $1,275.12. Their agreement stipulated that at the end of the lease term, the mine and equipment should be in good and working condition. Subsequently, Mr. Varela did not fulfill his end of the agreement and Hugh filed a lawsuit against him on June 1, 1857 to collect the unpaid rent as well as for the outstanding balance of $1,275.12 for the merchandise.242 Without additional records on this case, one can postulate that the courts ruled in Stephenson’s favor given that Hugh continued to promote the mine and later advertised it in the Mesilla Times. The ad described the mine as “untapped [with an] abundance of water, wood, and basic necessities available for miners…the mines are ready to be worked, all they need is

241 Enrique Támez Vásquez, ”Brazito Remembered One Hundred Fifty Years Ago: Another Look” Password Vol. 43, No. 2, (Summer 1998), 54-87. Another tale suggests that Juan A. Garcia owned both the Bracito Grant and the mine and sold them both to Stephenson for $1,000. An alternative account proposes that there were two Brazito Grants. One was issued to John G. Heath from Missouri, also during the colonial period, and the other to Juan A. Garcia, and that these grants partially overlapped. Stephenson was presumably part of John G. Heath’s party and ultimately “acquired” the Heath portion of the grant as well. Yet another account suggests that Heath applied for the Brazito land during the colonial period but the government denied his claim and he and his community moved back to Missouri.

242 NMSRAC, serial #13841, Dona Ana County Court Records, Hugh Stephenson v. Mariano Varela, June 1, 1857.
investors,” and 15 miles from the mine in Mesilla, both investors and miners had access to trade, lodging.243

The classic historical argument has been that Mexicans had a difficult time “amalgamating” to the American legal system because they were not familiar with judicial structures or the English language.244 Spanish language archives demonstrate that ethnic Mexicans of all classes were accustomed to addressing their grievances in the courts since the colonial period, whether their complaints were socially or economically oriented. They utilized the legal system with frequency and the process did not differ significantly from the American judicial system (see Chapter Two). The only real change involved the language although many of the documents during the 1850s were still written in Spanish. Communication and trade practices continued without interruption and ethnic Mexicans continued to navigate through the American courts and other institutions with awareness. The drawback, in this case, is that Mexicanos placed their trust on a sanctioned document that guaranteed them constitutional rights, in addition, the racial agenda and the corruption practiced by Anglos in every institution of power disadvantaged the minority populations.

The 1850s represented an important decade in terms of the Stephenson-Ascárate legacy and the shaping of a Mexican-Anglo middle class. Hugh Stephenson had staked his claims on a huge plot of land north of the river since 1830 and continued to amass his fortune in Doña Ana County while the other pioneers were asserting their authority over land in El Paso County by squatting on the income producing areas along the northern side of the Río Grande. James W. Magoffin appropriated a large tract originally owned by Alejandro Ramírez, as well as additional acreage in the upper valley, now known as Canutillo, Texas. Presumably Ramírez abandoned

243 Mesilla Times, June 9, 1860. This ad was titled “The Stevenson or Ft. Fillmore Mines.”
244 Halla, 170.
his land and willingly moved to Paso del Norte after the war, allowing Magoffin to seize the plot and establish a commercialized community, which he named Magoffinsville. Magoffin purchased headright certificates held by H.C. Fountain in 1854 which gave him legal rights to these properties. That same year, Fort Bliss quartered at Magoffinsville.245

James Magoffin gained access to land in New Mexico as well and he “acquired” an interest to the San Andres salt lakes located at the foot of the Sacramento Mountains in 1852. He tried to levy a toll on the Doña Ana salt carters (salineros), and with his posse, attacked a large group of unarmed men as their train left the mines forcing them to flee for their lives (see Chapter Five).246 All one hundred and twenty-four New Mexicans filed a complaint against Magoffin and his men in the Territorial Court of New Mexico. Following protocol, Judge Kirby Benedict ordered that Magoffin return the oxen and carts and he issued indictments for James, his son Samuel, and six others. New Mexico district attorney W.W.H. Davis offered to represent Magoffin and the group, and he filed extensions for the next two years, until territorial attorney William Claude Jones dropped the charges against them in 1856.247 One hundred twenty-four men charged that their constitutional rights were violated. They were prohibited from accessing communal resources and were assaulted by armed individuals that had no authority in New Mexico. The outcome of the lawsuit against Magoffin is characteristic of most lawsuits that involved Anglo settlers engaged in appropriating land or commodities from the legal owners

245 Halla, 205; Bowden 44-5. See Chapter Two, page 30, footnote 80 for the names of the other Mexicanos that owned property north of the river at the time of conquest.
246 Rex Strickland, El Paso in 1854 (El Paso: Texas Western Press, 1969), 30-32; Halla, 162. Among the men accompanying Magoffin on December 1853 were Samuel Magoffin, Frederic A. Percy, William “Bigfoot” Wallace, Jeremiah Snyder (El Paso County Sheriff), Gabriel Valdez, Jaime Loya, Pedro Corona, William “clown” Garner, and John Reams, Jr. (a total of eighteen Americans and ten Mexicans). The Salina de San Andres represented the most valuable of the lakes in New Mexico due to its high sodium chloride content.
247 Strickland, 39; NMSRAC. Territorial Records, serial number 8472, folder 65, Third Judicial District of the Territory of New Mexico, Las Cruces, New Mexico.
utilizing illegal methods. Anglos were bothered by the communal lifestyle and the sharing of natural resources (salt, wood, water, clay), which did not coincide with their capitalist values.

Hugh Stephenson, James Magoffin and their families lived a “high society life style.” They provided lodgings for their Mexican political and business contacts and U.S. ranking military as well as provided shelter for the well-to-do Anglos steadily trickling into El Paso.248 Although local historians place more importance on Magoffin’s contributions to the development of El Paso city proper, Stephenson held social and economic power in El Paso for decades, and he introduced Anglo pioneers to the Ascárate men and the Mexican elite of Paso del Norte and Chihuahua City, Chihuahua.249 The Concordia Heritage Association and local historians have neglected to enlighten people about the extent of the Stephenson-Ascárate legacy as owners of hundreds of acres of valuable land in El Paso and Doña Ana counties as well as their influence in Chihuahua, even if Hugh acquired his wealthy through fraudulent means or coercion, like all Anglo pioneers.

In 1854 a large group of Anglo and Mexican merchants traveled together to Chihuahua City. The party included Cristóbal Ascárate, Ignacio Ascárate, Jacinto Ascárate, Gabriel Valdeś, Alejandro Daguerre, Manuel (Samuel) Magoffin, Enrique Gillett, Ernest Von Otto Angerstein, Alberto Coon (Franklin Coon’s brother), Frederic A. Percy (Stephenson’s soon to be son-in-law) and about ten other Anglo and Mexican merchants.250 In a newsletter published and illustrated by Frederic Percy he wrote that they were headed to the “famous city of Chihuahua” where they

248 Anson Mills, W.W. Mills, J.S. Gillett, H.S. Gillett, J.F. Crosby, W.J. Morton, Vicente St. Vrain were among the more prominent Anglos arriving in El Paso just before the Civil War outbreak.
249 Strickland, 26-30; Russell White, “El Paso del Norte: The Geography of a Pass and Border Area through 1906” (Columbia University, Ph.D., 1968), 154-5. Russell Bartlett, boundary commissioner set-up his headquarters at Magoffinsville until the international boundary disputes were settled in 1853. White suggests that Magoffin introduced the first alfalfa crop to the region.
250 CJMA, roll 38, frames 238-40, January 3, 1854 and frames 303-05, 329, 330, 1854. Registry of passports and applications for safe conduct passes. Some of the other wealthy Mexicans that associated with the Stephenson-Ascárate network were Dr. Mariano Samaniego, Inocente Ochoa, José María Flores (soon to be Stephenson’s son-in-law), Jesús Escobar y Armendáriz, Juan Zubrian, and Juan N. Ruiz.
planned to stay six weeks to two months and claimed that they “endeavor[ed] to horde up a few items with which to season our numbers after our return.” Although Percy mentions that before they left for Chihuahua City a “number of fresh importations both of merchants and goods” had arrived in El Paso from San Antonio and a number of wagon trains left El Paso for San Antonio, the demand for Mexican-made products existed. Merchants from El Paso and Paso del Norte planned periodic trips to Chihuahua City to purchase goods and fraternize with the Mexican elite.251

This trip represented one of many of its kind and countless more followed after 1854. The original settlers worked and played together and endeavored to increase their wealth as a whole, simultaneously building alliances with the Chihuahuan wealthy through intermarriage and economic networks. Anglos associated with Mexicans to help obviate Mexican laws and codes, particularly when engaged in illegal activity; having Mexican contacts proved a favorable advantage. These alliances initiated the formation of what historian Víctor Manuel Macías González terms the Porfirian Chihuahuan elites. Macías González suggests that the Mexican elite after 1876 eventually consisted of “émigrès—clerics, professionals, oligarch, entrepreneurs and leterati [who] composed a significant sector of El Paso’s Mexican community…and [they] exerted a strong influence on the development of the region’s identity through their classist, racist, and nationalist ideology,” which coincided with the views of their Anglo counterparts.252

251 Strickland, ESS10. El Sabio Sembrador (The Wise Sower) dealt with local El Paso news including the Indian problem and the comings and goings of the local wealthy. Percy, also known as the Ancient Briton, edited, published and illustrated three newsletters. Only the third one survived and is the one quoted here. A copy of his newsletter cost “one fanega of frijoles and a string of chili.” Rex Strickland analyzes and includes the newsletter as well as supplements the compilation with more El Paso history which he entitled El Paso in 1854 (El Paso: Texas Western Press, 1969). Percy also drew the illustrations for W.W.H. Davis’ El Gringo published in 1857.

The development of a Mexican elitist culture in El Paso, however, had begun since Juana María Ascárate and Hugh Stephenson established roots north of the river.

Anglo settlers, merchants, speculators, journal writers, and even pioneer parasites worked quickly and in unison to appropriate land and disenfranchise minorities. Hugh Stephenson had a bigger advantage since he married into Mexican wealth and established roots in the region earlier than most Anglos. Texas colonization laws and the judicial system helped validate the claims made by Stephenson and the other pioneers; nevertheless, the displacement of the region’s ethnic minorities is a subject that has been given very little attention. The year 1854 marked the forced removal of four hundred families from Mesilla, New Mexico. Between January and May families were relocated south of the international boundary to Colonia Guadalupe where the Mexican government commissioned Guadalupe Miranda to oversee the distribution of land, determine the rental rate for each parcel, and to ensure that the transition went as smoothly as possible.253

In addition to accommodating families with land in Colonia Guadalupe, issues of water for cultivation and consumption were other factors of concern. Jacinto Ascárate, council member of Cantón Bravos, reported that the water situation for both the Mexican and the American settlements had become critical. He estimated that fields under irrigation had increased by three-fourths since 1848, and Ascárate worried that the growth in population and agricultural production had lowered the water levels in the river. He pointed to the increased water usage at Magoffinsville especially with Ft. Bliss stationed there in addition to the consumption by Hart’s Mill, which levied an added drain on the Río Grande.254 The added usage on the century-old dam and the hoarding of water by the settlements north of the river placed

253 CJMA, roll 38 frames 210-223, January 20, 1854.
254 Halla, 207; CJMA, roll 38, frames 3-12, 1853, libro de acuerdos del ayuntamiento.
added pressure on the structure’s walls. The demand for water created by the new communities in Colonia Guadalupe and Colonia San Ignacio further exacerbated the problem of water scarcity and made for an unsustainable environment. As council member, JacintoAscárate could only warn the government of the existing conditions; however, he had no power to control the distribution of water particularly north of the river, on the U.S. side.

For the repatriates, their transition from Mesilla to Colonia Guadalupe did not occur smoothly or efficiently. On June 24, 1854, Luciano Telles (also spelled Tayes) filed a complaint against Guadalupe Miranda in the state of Chihuahua.²⁵⁵ Telles charged that Miranda granted land to wealthy Mexicans who had no intention of settling there and he allowed groups from other areas of Chihuahua that were not part of the repatriation effort to squat on land specifically set aside for emigrants. Telles further alleged that Miranda began extorting money from the newly relocated families, threatening them with dispossession of land already in cultivation if they did not “obey” his orders. Telles claimed that the whole process had been poorly documented and in violation of the colonization laws under Plan de Jalisco and Plan de Guadalajara. Telles demanded that the government step in and take appropriate measures to stop the intimidation and the corruption against the people, which exacerbated by the day.²⁵⁶

Without explanations, however, Mr. Telles withdrew his complaints against Miranda five months later.²⁵⁷ There are no existing documents that provide insight as to why he dropped the charges, but perhaps Luciano Telles and his family were physically threatened and he saw no other alternative. More documents regarding social and economic conditions in Colonia Guadalupe were filed with the prefect in 1855, and in 1856, officials appointed Guadalupe vice

²⁵⁵ Luciano Telles was customs official of Paso del Norte in 1852.
²⁵⁶ CJMA, roll 38, frames 98-103, June 24, 1854. Miranda charged families 150 pesos to live in Colonia Guadalupe and 3 pesos to extend land titles.
²⁵⁷ Ibid., roll 38, frames 241-2, November 6, 1854. There are no existing documents that can provide insight as to why Mr. Telles abruptly dropped the charges.
It is evident that Telles and the other families had no rights to speak of, and the Mexican government did very little to protect them demonstrating that these people were truly the victims of war and conquest.

In addition to water scarcity and issues of land misappropriation in Colonia Guadalupe, Mexicans living south of the border faced other economic hardships. The steady increase in American-made goods arriving to the region created a problem with the contraband of merchandise into Mexico, which reached a high point in 1854. That year Vicente Figueroa filed a petition with the federal customs house complaining of corruption by U.S. customs officials and favoritism toward American merchants. Figueroa alleged that Anglos were allowed to introduce goods into Mexico through Mesilla without paying tariff fees and on numerous occasions he had personally witnessed officials waving Anglos through customs. He further charged that because Americans opened clothing stores in Paso del Norte without restrictions, Mexican small business owners were going bankrupt. Figueroa knew of three Anglo merchants from Las Cruces who had intentions of establishing mercantile stores with goods they crossed illegally into Mexico. The customs house openly engaged in unfair trade practices and enforced customs duties on Mexican merchants who were left practically destitute and without protection from either government. Figueroa feared that speaking up could jeopardize his well-being, but risked asking the authorities to help (auscilio) curtail the contraband and corruption ongoing at the customs house.259

Magistrate Frank White from Frontera Ranch operated the first customs house established in 1853. In addition to being politically connected, White engaged in the Chihuahua trade and profited from allowing contraband to flow into Mexico while charging Mexican

258 Ibid., roll 38, frames 205-268, 1855; CJMA, roll 39, frames 557-563, 1856.
259 CJMA, roll 38, frames 158-161, October 25, 1854.
caravans headed north the mandatory duties. All traffic coming from the west and south passed through Frontera Ranch, which regulated the flow of traffic covering approximately 900 miles along the borderlands. By 1854, Anglo settlers in El Paso had monopolized commercial activity from Las Cruces to Chihuahua City. They controlled freighting and mail coaches, the mule breeding industry, as well as supplied the region including nearby forts with flour, meal, corn, and wheat. Figueroa’s complaint pointed to the diminishing opportunities for poor Mexican and Mexican Americans living along both sides of the river.

By 1854, roads leading into and out of the city were identified by the geographical direction that stage coaches and merchant caravans took. San Antonio, Oregon, Santa Fe, and El Paso Streets were among the roads most commonly used and the first to be named and all caravans and coaches past directly through Concordia. That same year, the commercial clusters in El Paso County were doing very well and despite the issues with water distribution, agricultural production showed an increase north of the river. Rancho Concordia in particular had grown into a very lucrative business-community. Through the hard work and dedication of Mexican workers and their families, they transformed Concordia into the largest estate standing between Las Cruces and Paso del Norte, in land mass, number of structures, and in population. That year, Hugh and Juana María had a chapel built and established a family cemetery which they named San José de Concordia el Alto. During the 1800s Anglo Americans established family cemeteries on their estates as an “elite strategy,” usually determined by status, economic conditions, and the desire to maintain and protect the family name.

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260 White, R., 142. In 1850, Frank White collected 10,319.29 in duties.
261 Strickland, 12, 37-8. Simeon Hart opened a mill on squatted land and completed construction in 1854.
262 Bloom, 134-40. El Paso Street led directly to Paso del Norte.
263 Magoffin Dwyer, 5. The author suggests that father Ramón Ortiz officiated over the ceremony when the chapel was first built.
wealth, social standing, and religious affiliation and historical documents point to the
Stephenson-Ascárate union as exhibiting these characteristics.264

It is not clear if Juana María knew about Hugh’s illicit business dealings in Doña Ana or
that The State of Texas had awarded H.C. Fountain headright certificate #23 that entitled him to
the Concordia tract. H.C. Fountain held twelve headright certificates in the El Paso County
area, some of which were issued during the early years of Texas sovereignty. These were
granted “upon the condition that [the grantee] settle on and improve the land granted to him for a
period of three years.” Texas law situated Stephenson as technically squatting on Fountain’s
land; however, since Fountain did not settle or improve the land as stipulated under the Texas
colonization laws, he released certificate #23 to Stephenson, giving him valid title to the 900-
acre tract known as Concordia.265 This certificate encompassed the Concordia acreage only,
however, and not the 13,285 acres that comprised the Ascárate Grant.

Historian J.J. Bowden offers a thorough analysis of the seven major grants awarded by
the Spanish Crown or the Mexican government in the El Paso County area including the
Ascárate Grant. He ascertained that Ascárate territory encompassed an area that bridged the Rio
Grande and its location shifted when the river’s channel changed course. After the boundary
between the U.S. and Mexico split the land the Ascárate Grant decreased in size leaving a
portion in Ciudad Juárez, another in southwestern Texas, and a section extended into Las Cruces,
New Mexico.266 Bowden describes the Ascárate Grant as being:

264 Barbara J. Little, Kim M. Lanphear and Douglas W. Owsley, “Mortuary Display and Status in a Nineteenth-
265 White, R., 156; Bowden 50-2. James Magoffin and Simeon Hart acquired their land from Fountain, however, it
is uncertain if they paid Fountain any monies.
266 J.J. Bowden, Spanish and Mexican Land Grants in the Chihuahuan Acquisition (El Paso: Texas Western Press,
Mexican laws gave territorial governors authority to make a grant to individuals for eleven square leagues, or
48,712.4 acres, and no limit was placed on empresario grants due to colonization purposes. The process included
71495.816 square varas or 13285.2 acre tract of land strategically situated on the edge of the ever expanding metropolis of El Paso, Texas. The southern boundary of the Grant is located just north of the Southern Pacific Railroad tracks and the North Loop Road. The eastern boundary runs northward between the Ysleta Cut Off and Pendale Roads. The western boundary passes through the intersection of Womble Boulevard and El Paso Loop. The northern boundary crosses the El Paso Municipal Airport and parts of Fort Bliss and extends southeasterly until it meets the eastern line.\textsuperscript{267}

This description clearly includes the Concordia tract as being part of the Ascárate Grant. Local accounts suggest that the Spanish Crown awarded Ignacio Azcárate (and his family), Juan’s father, the Ascárate tract 1776 and census records situate Ignacio Azcárate as a merchant in the Paso del Norte area during the 1770s.\textsuperscript{268} Nevertheless, there is no evidence in the Ciudad Juárez Municipal Archives or the New Mexico State Records and Archives Center that validate don Ignacio or his family as having received a land grant or merced, however, archives in Chihuahua City or in Spain may have the records of the land grants issued by the Spanish Crown to retired military who were willing to migrate to the New World.

Bowden points to December 14, 1857 as possibly the first recorded reference to the Ascárate Grant under United States sovereignty by Senator Archibald C. Hyde of San Elizario, Texas. Hyde introduced a bill to the Texas Senate to “relinquish the rights of the State to El Pueblo Socorro, El Canutillo, El Rancho de Ponce, and El Rancho de Ascárate.” The Committee on Private Land Claims accepted Senator Hyde’s proposal and recommended the passage of the bill. The senate signed the actual bill into law on February 11, 1858 and Juan and Jacinto Ascárate became the legitimate grantees of the Ascárate Grant. The measure required claimants to have their lands surveyed and the “survey was to conform in all respects to the metes and

petitioning the governor, who in turn ordered an investigation to ensure that the land was not assigned to or encroached on other land claims. If the investigation proved satisfactory, the governor approved the grant and the original petition and the informe (investigation data) were filed in the archives. These are the archives that were allegedly destroyed by the conquering army in 1848.

\textsuperscript{267} Bowden, 60.

\textsuperscript{268} CJMA, roll 12, frame 104, 1787. Census “del pueblo del passo” which lists Ignacio Ascarate, an español, age 30, a merchant (comerciante), with two sons and a daughter. His wife is not listed on the census, only that he is married.
bounds designated in the original grant.” Once completed, the field notes were sent to the Commissioner of General Land Office in Austin, Texas and once received, a patent would be issued.269

On January 1859, Hugh Stephenson hired Deputy Surveyor Anson Mills to survey the Ascárate Grant. That same month the district surveyor approved, certified, and recorded the survey in the local archives and sent a copy to Land Commissioner Stephen Crosby. Soon after Crosby filed the survey, officials cancelled it “because the courses and distances of the meanders of the river were required to be embodied in the field notes and could not be offset as they were in Mills’ survey.”270 In addition to the questions over the missing data on Mills’ appraisal, other questions surfaced regarding the legitimacy of the Ascárate Grant.

For one, Hyde’s bill stated that the grants approved were awarded by the Spanish Crown. According to Bowden, the Crown awarded only one grant, the El Pueblo de Socorro Grant, in 1751; the others were issued by the Mexican government. Further, since the committee on Private Land Claims had no familiarity with the region, they assumed that the terrain where the grants were located had no real monetary value and that they were barren. The committee passed Hyde’s bill without questioning his specifics or inspecting the territory and later accused Hyde of misleading the committee.271 Residents from Ysleta filed a complaint in the courts challenging the validity of the Ascárate Grant and Juan and Jacinto’s rights to land north of the river. Juan María Gonzales, who served as Justice of the Peace, County Commissioner, and Judge of El Paso County, swore he had known Juan and Jacinto since 1841 that the Ascárates

269 Bowden, 63-6. The bill explained that the Spanish government had issued title to these grants over one hundred years ago and the original grantees, descendants or assigns were still in possession of the lands. Seven large private land grants were recognized by the United States government, these included the Canutillo Grant, the Ponce de León Grant, the Ysleta Grant, the Cenicu or Sinecu Grant, the Socorro Grant, the San Elizario Grant, and the Ascárate Grant.
270 Bowden, 69-70.
271 Ibid., 76-9.
lived south of the river and they shared the same house. Once the river changed its course and situated Ysleta, Socorro, and San Elizario on the east bank, the Ascárates maintained their residence near San Lorenzo. Gonzales insisted that he,

never heard of the Ascárates or either of them to own or to be interested in any lands whatever lying north of the river and being intimately acquainted with them, he would have known of such a claim had it been made. That because of the daily conflicts among the inhabitants of Ysleta and Cenicu, the Mexican Government in 1841 sent a Commissioner, Jose María Elías Gonzales to mark the boundary between the Ysleta and Cenicu tracts and this boundary line was recognized by the Ysleta Cenicu people from that time on, and he never had heard of the Ascárates or either of them claiming any interest in the Cenicu tract or in the Ysleta tract until about 1855 when Horace Stephenson and Josiah F. Crosby claimed that portion of the Cenicu tract which was cut off by the river and left on the American side. That the Ascárates had permission of the Cenicu authorities to pasture their cattle and horses on the Cenicu lands for two or three months during the year, and they were prohibited from grazing their stock thereon by the Ysleta authorities after Ysleta, by legislative Act, acquired the Cenicu lands left north of the Rio Grande. That he, Gonzales, knew from his own knowledge that the Ascárates never did use or occupy these lands thereafter nor did they set up any claim thereto except that they had permission of the Cenicues to use the lands. That he never heard of the Ascárate claim until it was made by Stephenson and Crosby long after the death of Juan and Jacinto Ascarate.272

The citizens of Ysleta and Cenicu had been disputing the boundary lines since 1825. The courts finally agreed on a fixed boundary after Prefect Jose’María Elías-Gonzales convinced the interested parties to agree on boundary limits. The Ascárate Grant, as Mills surveyed it, imposed on the legal boundaries of both towns, which renewed past disputes over legal borderlines. A deed filed by Juan and Jacinto Ascárate on December 13, 1858, conveyed to Horace F. Stephenson and Josiah F. Crosby “one undivided two leagues of land…out of certain plot of land belonging to Juan and Jacinto Ascarate lying…about three miles below Concordia on the eastern

272 Bowden, 80-1, 119-124. The Affidavit of Juan María Gonzales was taken March 16, 1886 before Zeno B. Clardy, Notary Public in and for El Paso County, Texas. Three other affidavits were filed at the same time, which basically reiterated the statements made by Mr. Gonzales. The Ascárate Grant was resurveyed and approved on September 14, 1886. Nonetheless, the lawsuit over the legitimate ownership of Ascárate land continued into the early 1900s. Numerous defendants relinquished their rights to any part of the Ascárate tract, while others did not file an answer in the suit and their cases were ultimately dismissed. Only one defendant out of the one hundred fifty seven was awarded an eight acre tract. In order to assess property taxes of the Ascárate tract, the Commissioner’s Court ordered an “abstract covering all property possessed, unknown or unrendered” and on December 12, 1932, the abstracts and plats to the Ascárate land were accepted by the court. The El Paso County Historical Society houses the survey of the Ascárate Grant finalized in 1932.
bank of the Rio Viejo” for $5,000. The deed assigned two leagues of land to Horace and Josiah, it relinquished any rights Juan and Jacinto had over this acreage and it also transferred ownership to Anglo Americans, although Horace was technically biracial.

According to Bowden and as stated in the affidavits of four individuals, both Juan and Jacinto were not the legitimate owners of the Ascárate Grant. Juan María Gonzales claimed that Juan died in 1851 and Jacinto died a few years later after being struck by lightning; therefore, neither could have executed this document. Further, the deed shows their marks (+) rather than their signatures. As a member of the municipal council in Paso del Norte, Jacinto’s signature is on numerous documents, which proves that he wrote very clearly and signed every instrument. Conversely, Juan could not sign his name. Court records of the 1820s, 30s and 40s in which Juan served as co-judge, witness, or defendant show that his name always displayed a mark (+) right next to it.

His brother Antonio could not write either, which leads to question their father Ignacio’s economic status and why they could not read or write although they were both involved with community affairs and according to historical accounts, Juan owned land, a silver mine, and known as a successful merchant and businessman. On the other hand, Josiah Crosby practiced law in south Texas and knew a number of influential politicians including his brother Stephen Crosby, Commissioner of the General Land Office in Austin. In El Paso, Josiah served as District Attorney for the Third Judicial District Court and Judge of the Eleventh Judicial District. Bowden suggests that Senator Hyde included the Ascárate Grant in his bill as a favor to

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273 Deed Records, El Paso County Texas, Book B, Page 5, February 11, 1858, deed of sale filed December 13, 1858.
274 See Chapter Two, footnotes 23, 24, and 25 for primary source information. Every document that involved Juan and Antonio Ascárate are signed by their marks.
Crosby and Stephenson. In any case, the deed of sale between Juan and Jacinto Ascárate and Horace Stephenson and Josiah Crosby was fraudulent.

Furthermore, there is no evidence that Juana María’s relatives profited from the sale of the Ascárate Grant. The municipal archives of Ciudad Juárez shed light on the whereabouts of the Ascárate men during the 1850s. For one, an 1854 passport application situates Jacinto Ascárate as living in Paso del Norte and records of the ayuntamiento show that Jacinto Ascárate still lived in 1856. A census record dated that same year lists Juan Ascárate age 73, and Jacinto age 30, as residing in the Alamo Gacho district of Paso del Norte. The census also establishes that both men were alive when Juana María Ascárate Stephenson passed away in early 1856. These documents undermine Bowden’s assumptions and his reliance on the affidavits given by the four men in 1886—almost thirty years later. One can only speculate that the men were making false allegations regarding their individual relationships with the Ascárates in their efforts to recover the land usurped by Stephenson and Crosby. Further, it is possible that José María Elías-Gonzales awarded Juan and Jacinto the Ascárate Grant in 1841, when he settled boundary disputes between Ysleta and Cenicú. Juan’s father, Ignacio, married into the Elías-Gonzales wealth and as Prefect José María could have granted Juan and Jacinto the land, especially since they were related to him while historian Virginia Taylor suggests that Juan Ascárate and his son Jacinto were awarded the Ascárate Grant in 1836 by the Mexican government.

275 Bowden, 89-90.
276 CJMA, roll 38, frame 107, October 26, 1856, minutes of the ayuntamiento; frames 154-5, 164, Census of the Alamo Gacho district, October 15, 1856. According to the census, Juana María’s father, her siblings and numerous cousins lived in Paso del Norte in 1856. Some served in the “guardia sedentaria” while others were laborers, merchants, and civic leaders.
This could explain why Senator Hyde named Juan and Jacinto as the legitimate grantees of the Ascárate Grant. Only death certificates could provide the exact year that Juan and Jacinto died; nevertheless, one can safely say that they passed away after 1856. Juana María’s siblings and their offspring continued to live and work in Paso del Norte and after the Civil War, Cristobal, Gerónimo, and Guadalupe Ascárate made their home in Mesilla and Las Cruces, along with Hugh, Albert and Horace Stephenson. This generation of Ascárates engaged in trade and served as civic leaders in various capacities. The Ascárate men never disappeared from the region; however, they no longer served to advance the Stephenson network, especially after Concordia and the Ascárate land were secured by Anglo immigrants and post-war politicos.278

By 1858, the owners of the grants issued in El Paso County had been identified and their titles legitimized through the Relinquishment Act. Seven major grants were issued a patent by the Court of Private Land Claims: The Canutillo Grant, The Ponce de León Grant, The Ysleta Grant, The Cenicu Grant, the Socorro Grant, the San Elizario Grant, and the Ascárate Grant—thanks to Senator Hyde of San Elizario. Meanwhile, the Anglos that filtered into El Paso in the years before the Civil War focused on land availability in the city.279 El Paso, Texas, viewed as the largest and most important region for trade and travel, drew more people from eastern states than any other town along the borderlands. A visitor from San Antonio found El Pasoans to be “hospitable and pleasant, especially the wealthy” and found clear signs of prosperity and an abundance of crops. He described El Paso as being “primarily settled by Mexicans with a few American merchants” which more than likely were the community clusters belonging to

278 The newspaper Thirty Four published numerous articles during 1879 and 1880 that highlight Guadalupe and Cristobal’s political and social activity as well as Horace Stephenson’s pursuits in Mesilla and Las Cruces, New Mexico.

Stephenson, Magoffin, Hart, and Smithville, and the newly built Overland Mail Station.\textsuperscript{280} He also noticed the “adobe structures, senoritas with rebozos, the older women with baskets of fruit and pots of water carried on their heads, and men wearing broad rimmed sombreros,” which gave the impression of being in a foreign land.\textsuperscript{281}

More relevant were the explorer’s observations of El Paso and Paso del Norte. He found the “forceful split between both towns as unnatural.” Utilizing the river to represent the international boundary created a chasm where it once embodied a continuous geographical space. Unintentionally, this traveler identified the man-made boundary that has served to distinguish the more powerful from the underrepresented and exploited. Chicana historian Gloria Anzaldúa insightfully describes the border culture that grew out of this dynamic,

A borderland is a vague and undetermined place created by the emotional residue of an unnatural boundary. It is in a constant state of transition. The prohibited and forbidden are its inhabitants. Los atravesados live here: the squint-eyed, the perverse, the queer, the troublesome, the mongrel, the mulato, the half-breed, the half dead; in short, those who cross over, pass over, or go through the confines of the ‘normal.’ Gringos in the U.S. Southwest consider the inhabitants of the borderlands transgressors, aliens—whether they possess documents or not, whether they’re Chicanos, Indians or Blacks. Do not enter, trespassers will be raped, maimed, strangled, gassed, shot. The only ‘legitimate’ inhabitants are those in power, the whites and those who align themselves with whites. Tension grips the inhabitants of the borderlands like a virus. Ambivalence and unrest reside there and death is no stranger.\textsuperscript{282}

Anzaldúa writes about her own experiences growing up on the Texas-Mexico border. She identifies the transformation of the border and how she perceived the borderlands almost one hundred forty years after the U.S. invaded Mexico.

In El Paso, the Anglo populations aligned themselves with the powerful. The other inhabitants were ultimately exploited, forcefully removed, or their history and presence silenced. Stephenson, Magoffin, Hart, and the other pioneers had their plans for the southwest in terms of

\textsuperscript{280} Halla, 156. In 1857, a major mail and passenger station was established in the city. The postmaster general signed a contract with John Butterfield to carry the U.S. mail from the St. Louis, Missouri-Tennessee border to San Francisco with stops in Arkansas, Texas, Arizona and California, approximately 26 days and 2,600 miles one way.

\textsuperscript{281} Mesilla Times, October 18, 1860.

trade, Mexican labor and future uses for the land. Anglo immigrants dreamed of duplicating the southern plantation system and the King Cotton effort that meant secession and economic independence from the rest of the United States. In the eve of the Civil War, the editor of the Alamo Express published the pro-slavery interests of Texas,

We have determined, owing to the pressure upon our time, to first publish the concluding chapters upon our proposed work upon ‘NEGRO SLAVERY,’ through the columns of this Journal and as a specialty we shall ever maintain the interests of white labor and the governing races, by striking boldly at every overt or open attempt to sow in our tablet the free soil heresy, which aims at the overthrow of negro subordination in Texas and seeks the arrest of the extension of slave plantation labor, into the inviting fields of the South West, and the land of the Aztecs, that sweeps afar toward the blazing equator.283

An endless labor pool existed south of the river in Paso del Norte and beyond. The editor spoke of the concept of slavery in the sense that a plantation labor system could be implemented in the Southwest, and not necessarily with black slaves, but rather with Mexican or “greaser” labor.284

On February 1861, all forty-four Anglos that made El Paso their home, met at Dowell’s saloon to vote for secession or union. All but two—Anson and W.W. Mills—voted for secession. Hugh Stephenson and James Magoffin were staunch Confederates and Texas secessionist and by the time the Civil War began, they were both fully committed to the cause. Hugh personally invested all his capital, including Rancho Concordia and the Bracito tract on Confederate money and war bonds.285 When Confederate troops advanced into El Paso on March 1861, James Magoffin offered them his home and the fort and all the services that his Mexican workers could provide the soldiers. He also supplied the Confederate forces that were on route to invade New Mexico. Shortly after, Magoffin and his sons, Samuel and Joseph,

283 Alamo Express, October 15, 1860, “The Pro-slavery Interests of Texas” by Wm. H. Parsons.
284 The New Mexican, November 9, 1860.
285 Rex W. Strickland, Six Who Came to El Paso: Pioneers of the 1840’s (El Paso: Texas Western College Press, 1963), 54; Magoffin Dwyer, 6.
moved to east Texas where they served in the Confederate army. The rest of the Anglos left El Paso or sought refuge in Paso del Norte, Mexico.286

The Mexican groups that lived in Rancho Concordia, Magoffinsville, Hart’s Mill and Smithville continued to work and maintained production. The Stephenson-Ascárate women remained in the hacienda, although Hugh and Horace Stephenson fled to Las Cruces after the Union army ousted the Confederates from Magoffinsville in 1862. Moreover, travel back and forth across the river became more challenging given the unique situation with the United States engaged in a Civil War (1861-65) and Mexico struggling to prevent the French from seizing power (1861-67). As a result, Mexico temporarily closed its borders and the mail and commercial traffic ceased, although Confederates, Unionists, spies and defectors relied on the accessibility of the border for covert movement.287 They traveled the road south of the river to reach Ft. Craig or Ft. Quitman and crossed back to U.S. territory. Mexico became a safe haven for American soldiers and citizens while El Paso served as a hideout for Juaristas during the French invasion.288

After the Union army took control of Ft. Bliss, commerce and trade resumed. Anglo merchants took advantage of the circumstances to supply both armies with goods and even found opportunities to grab land in Mexico. For example Henry J. Cuniffe sold products made exclusively in Mexico and advertised in the Mesilla Miner throughout the Civil War period while Ernest Von Otto Angerstein became the most active dealer in Paso del Norte throughout both

286 Strickland, 32-33. Samuel served as a major in the army and died in battle in 1864, and Joseph, also a major, survived and later returned to El Paso.
287 Mills, 89-90; Rebecca Stefoff, Independence and Revolution in Mexico: 1810-1940 (New York: Facts on File, Inc., 1993), 13-14. According to W.W. Mills, Confederates took him prisoner for a brief period due to his unionist stance; however, he escaped and crossed into Mexico, traveled on the south side until he reached Ft. Craig and fought under General Canby. Similarly, when the Confederates were overthrown, they crossed into Mexico
288 Mills, 89-91. In his memoir W.W. Mills claims that he helped acquire arms and ammunition for Juarez’ troops through Juan Zubrian, customs collector of Paso del Norte during the French invasion.
Angerstein moved to Paso del Norte after the Confederate invasion and associated with Juan N. Ruíz, Innocente Ochoa and Mr. Madrid, his father-in-law. With their help Angerstein acquired thousands of acres of wood lands (bosque) south of the river where he established Rancho San Agustín de Loma. Angerstein instituted a share-cropping system similar to what the South implemented during the Reconstruction period (1865-1877) and he supplied every military fort in Texas and New Mexico with corn, barley, and wheat. Angerstein accumulated considerable wealth and soon recognized as the second richest man in Paso del Norte next to Innocente Ochoa, who still held the position as the leading merchant in the southern borderlands as well as held the title of customs collector.

The communities from Tres Jacales, Guadalupe, and San Ignacio filed several complaints against Angerstein and Ruíz. The farmers were deprived of much needed wood for the dam and once the water reached Angerstein’s ditches he hoarded the water and deprived the down river settlements of irrigation water for their crops. The people from these communities hated Angerstein, and conflicts between Mexican tenant farmers and Anglo foremen working for Angerstein, frequently ensued. As a result of water shortages and setbacks due to draught and Anglo overproduction, Mexican groups ignored U.S. restrictions and blatantly crossed the river to seek wood, salt, and other provisions. They willingly broke the law and crossed into the U.S. without documents or permits to extract resources. Historian Russell White identifies the men that ventured north of the river as bandidos and attributes the low Anglo population in El Paso to Mexican banditry. White suggests that Paso del Norte, Chihuahua had 13,000 in population and

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289 Mesilla Miner. April 1861. Henry Cuniffe, an Irish man, lived in Las Cruces and married a Mexican woman and moved to El Paso in 1850 and partnered with Vincent St. Vrain. They sold wine, peaches, pears, apples, Mexican hats, piloncillo (Mexican sugar), alfalfa seed, and dried grapes. Halla, 209-11. Angerstein was of German descent and enlisted in the U.S. Army in 1852 until he was discharged in 1857. He married Cenobia Madrid in 1858, a young Mexican girl (age 14), twenty-nine years his senior and they established a mercantile store in Mesilla until the outbreak of the Civil War, and then he moved to Paso del Norte, Chihuahua.

290 Halla, 211-2.

291 Ibid., 212-14.
that every adult male engaged in bandit activity. The point here is that Mexicanos who crossed north to pilfer supplies did so out of necessity and as a result of Anglo encroachment, corruption, and abuse of resources. They were not lawless marauders or murderers (see Chapter Five).

Meanwhile, an article published in the Alamo Express dated December 11, 1861, in English and Spanish, outlined an agreement presumably made between the U.S. and Mexican governments. The editor called it a “naturalization law” and specified that if naturalized Mexicans were living in the United States but maintained a primary residence in Mexico (for two consecutive years), with no intentions of living in the U.S. permanently, were required to renounce their U.S. citizenship. The same specifications were expected of Anglos living in Mexico. Further, U.S. citizens who had lived in Mexico for five consecutive years would be considered Mexican nationals, and the same requirements were mandated of Mexicans. A Naturalization Act was passed by congress in 1870 but it dealt predominantly with the nativity of African Americans, while the Page Act was passed in 1875 focused on the immigration of Asian laborers and prostitutes, followed by the Chinese Exclusion Act in 1882. However, there is no naturalization act passed in 1861. Perhaps the editor of the Alamo Express wanted to alert Mexican nationals that they could not live in both countries and this was his way of starting a campaign against undocumented Mexican immigration. Moreover, on November 9, 1864, The New Mexican published an article explaining why Mexican people were labeled “greasers” and justified the use of the term due to their behavior since conquest and due to their racial mixture. The editor validated this perception of Mexicans by emphasizing that Anglo Texans had

292 White, R., 149.
293 Alamo Express, December 11, 1861.

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recognized their deficiencies since before the Texas Revolution and they hoped to duplicate the Anglo demographics and eliminate the presence of Mexicans and Indians from the borderlands. The article defends those Mexicans with “Castilian blood” and credits them for respecting U.S. laws, however.295 These editorials and many like them were published during the 1860s in preparation of the imminent land theft and genocide that surged after the Civil War against Mexicans and Indian groups.

At the close of the Civil War, approximately fifteen of the forty-four Anglo settlers returned to El Paso. They were joined by another wave of Anglo immigrants which consisted of post-bellum Unionists and politicians. The most prominent of the new comers to El Paso, Texas were Albert H. French and James A. Zabriskie, they were both ex-Union officers and were given a great deal of power by the administration in Washington D.C.296 French and Zabriskie stood to benefit politically and economically as they worked to reconstruct the El Paso County government, reestablish commerce, as well as from the confiscation of Confederate-owned land as a result of the Confiscation Act passed of 1862.297

The confiscation of land by French and Zabriskie proved to be profitable for them. They filled numerous roles, including Probate Judge, County Judge, and Chief Justice, and Zabriskie held the position of District Attorney and land surveyor, which gave them the first opportunity to

297 O. White, 66-7; wikipedia.org. The Confiscation Act of 1862 was passed on July 17, 1862, during the Civil War. The law called “for the seizure of land from disloyal citizens (supporters of the Confederacy)…as well as the emancipation of their slaves. Under this act, conviction of treason against the U.S. could be punishable by death or carry a minimum prison sentence of five years and a minimum fine of $10,000…this law specifically targeted the seizure of property of any Confederate military officer, Confederate public office holder, persons who have taken an oath of allegiance to the Confederacy or any citizen of a loyal Union state who has given aid or support to any of the aforementioned traitors of the United States of America.”
buy what they seized. Zabriskie represented the Federal government on numerous of the land confiscation cases, which entitled him to fifty percent of the total amount collected through the sale or settlement of lands. The Federal government took possession of the land owned by four of the original pioneers—Stephenson, Magoffin, Hart, and Dowell—as well as many others, particularly since French and Zabriskie’s jurisdiction extended to Ft. Quitman. After the Confederates fled El Paso, Magoffin’s property remained abandoned and shortly after that the New Mexico Territorial Court in Mesilla seized his holdings and in 1863 Albert H. French and Henry Cuniffe bought Magoffinsville at a public auction for $6,000. Magoffin remained in San Antonio after the war; however, his son Joseph filed a suit against the New Mexico Territorial government on the grounds that the New Mexico Courts had no jurisdiction in Texas. The United States Supreme Court upheld Magoffin’s claim and ordered that the property be restored to Joseph Magoffin.298 French and Cuniffe relinquished their rights to Joseph Magoffin and his wife Dolene V. Magoffin (or Octavia), and it appears that French and Cunniffe lost their original investment.299 Joseph’s lawsuit pertained to the land known as Magoffinsville, while the agricultural land James Magoffin acquired in the upper valley is not mentioned in this suit.

W.W. Mills helped Ben Dowell recover Smithville (formerly Coon’s Ranch and Rancho Ponce de León). Dowell resumed his business activities, which consisted of a saloon, a gambling and billiard parlor, a general store, and a post office. Mills and Dowell became business partners and converted Overland and El Paso Streets into a race track for weekend gambling and entertainment. Dowell raced his mare and Mills put up the money—both men

298 Mary Kay Shannon, “Joseph Magoffin: El Paso Pioneer” Password, Vo. 44, No. 4 (winter 1999), 158-172. The order was made on January 6, 1869.
299 El Paso County Records, Books D-J, 1868-1871. In 1865, James Magoffin went to Washington D.C. to seek amnesty for his role as a Confederate and was ordered to return to El Paso to help reorganize the government along with French and Zabriskie. However, the commander of Ft. Bliss refused to accept Magoffin or his orders and Magoffin returned to San Antonio where he died in 1868.
made thousands in this business venture. Later city officials erected the first City Hall on Dowell’s property and he served as the first elected mayor of El Paso. Simeon Hart had a tougher time recovering his mill. His assets were sold at auction and bought by Mills, but eventually the courts pardoned Hart for his role as a Confederate sympathizer and ordered that his holdings be returned.

Hugh Stephenson, on the other hand, had more land and assets than Magoffin, Dowell, and Hart. Rancho Concordia consisted of approximately ninety-five homes and in addition to the Mexican workers and their families, many of Stephenson’s associates purchased homes and resided in the town of Concordia. Moreover, when Stephenson’s property went to auction in 1865, Albert French had married Benancia (Nancy) Stephenson and James Zabriskie had married Adelaida (Adelaide) Stephenson. Records indicate that Albert French bought Stephenson’s property at the Marshall’s auction, and then sold both Concordia and the Bracito tract back to the Stephenson-Ascárate siblings; each paid one dollar for an equal share of Concordia and Bracito. El Paso County records show that Hugh Stephenson deeded Concordia and Bracito to six of his seven children on July 22, 1859: Albert, Hugh Jr., Margaret, Leonor, Nancy and Adelaide, therefore, Concordia belonged to the Stephenson-Ascárate offspring when French and Zabriskie confiscated it. Hugh did not assign his oldest son Horace land, perhaps because one year earlier, Horace had acquired over six thousand acres of the Ascárate Grant through the help of his partner Josiah Crosby.

300 Mills, 68, 179. El Paso was incorporated as a city in 1873.
301 Strickland, 39-40.
302 EPCR, Book C, December 1, 1866. This document indicates that Concordia and Bracito were seized by the Federal government in 1862.
303 Magoffín Dwyer, 6.
The process of transferring property to the Stephenson-Ascárate offspring after French involved considerable detail. Albert French had full control of both the Concordia and Bracito tracts and he maintained ownership until 1866. French initially sold parcels of Concordia land to the male in-laws (Jose’ María Flores, Frederic Percy, and James Zabriskie) for one dollar, they in turn, sold their interest of Concordia to their wives, also for one dollar. In 1867, three of the Stephenson-Ascárate women sold a portion of their interests to Albert and Benancia French: Jose’ María Flores and Margarita received $1,500, Frederic Percy and Leonor received $1,000, and James Zabriskie and Adelaide received $3,000. The Zabriskie’s also sold their house located in Rancho Concordia to the French’s for $400. After that, the Zabriskie’s made their residence in the city; however, the rest of the Stephenson’s continued to live in the town of Concordia, except for Horace who lived in Mesilla. The same process took place when transferring deed to the Bracito tract; the men sold their rights to their wives for one dollar.

Meanwhile, Hugh Stephenson, his son Albert, and Stephenson’s four son’s-in-law filed a “pecuniary suit” against the U.S. government in the amount of $31,000. They alleged that Ft. Bliss used the wood located on Concordia grounds during the years 1863, 1864, and 1865 and they sought restitution. The government paid the claim in 1867 and the men divided the money into six portions worth $5166.66 each. County records show that French, Zabriskie and Percy sold their portion of the claim to their wives for one dollar. There is no indication that Jose’ María Flores relinquished his one-six share of the money to his wife Margarita. Hugh Stephenson maintained his residence in the Las Cruces area after the war and often traveled to El

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305 EPCR, Book C, July 1866-December 1866.
306 EPCR, Book C, March 5, 1867 and March 7, 1867.
307 Ibid., Book C, April 13, 1867.
308 Ibid., Book C, April 13, 1867.
Paso, nevertheless, three of his daughters (Leonora, Benancia, and Adelaida) and their husbands took over the family business in Ranch Concordia.

Stephenson, Magoffin, Dowell, and Hart successfully recovered their land and businesses. Other individuals were not so lucky. In just one year, French sold five parcels of land to his business associates: Louis Cardis paid French $400 for a house located in the city of El Paso; Henry Cuniffe paid French $2,500 for a three hundred-twenty acre lot located one and one-half miles east of the city; Cuniffe bought another parcel for $120, located one mile below the city; and he also bought another tract located one half mile east of the city for $100; and I. M. Lujan (county clerk) bought land located in “Ysleta County” from French for $200. Court records indicate that the original owners of the plots were all of Mexican descent. Why were their lands confiscated? Were they Confederate sympathizers? The great pioneers of El Paso were spared the penalties of war; however, many ethnic Mexicans lost their U.S. citizenship and their land to the local elite sometimes as payment for legal services or they were coerced into selling.

Moreover, officials established a customs house in El Paso in 1863. W.W. Mills served as the customs collector for Texas, New Mexico and Arizona, and in no time, French, Zabriskie and Mills were known as the “Customs House Ring.” County records reveal that the ring had access to contracts, goods, and equipment as a result of their involvement in commerce and trade. For instance, for $6,500 French sold one-half interest in a mule train to Henry Warren, including sixty-six American mules, twenty Mexican mules, and ten large mule team wagons with harnesses. For $1,200 he sold Charles N. Luze six large Westport wagons, including yokes.

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309 EPCR, Book C, February 1867, April 13, 1867; Book D, March 1868, June 6, 1867; Book C, July 10, 1866 and June 6, 1867. J.A. Zabriskie secured a loan for Charles Ellis in the amount of $4,000 and French sold Thomas Kerney, a resident of Concordia a sixteen horse power Steam Engine for $8,000.

310 R. White, 144, 165. Stage coaches passed through El Paso from Mississippi, Santa Fe, Yuma, Tombstone, and westward from California, as well as from San Antonio and Colorado.
chains, and sheets. French sold his brother-in-law Horace Stephenson eleven hundred eighty head of sheep, sixty head of American oxen, and eighty-five head of stock cattle for $8,700 as well as $1,000 in fresh meat to be furnished to the troops stationed at Fort Bliss. For one dollar, he sold Horace two hundred fenegas each of wheat, corn, and beans, and five hundred fifty cords of mesquite roots. French gave Horace authorization to deal with Ft. Bliss and supply them, at his own expense, all their meat and dry goods needs. Lastly, he sold one-half interest of the mercantile store at Concordia to Horace for $1,000. These transactions all took place in one day, which demonstrates that a huge amount of goods passed through the El Paso/Paso del Norte customs house in 1867.

The Customs House Ring devised a plan that called for the separation of El Paso County from the rest of Texas. The strategy involved merging El Paso County with Doña Ana County and officially naming the union Montezuma County. Politicos elected W.W. Mills to represent El Paso and he introduced this proposal to the State of Texas constitutional convention of 1868-69. Mills argued that El Paso County did not benefit from being part of Texas due to its geographical distance, the cultural differences, and the economic demands that existed in the area which ultimately disadvantaged southern New Mexico and southwest Texas. The Radicals in Washington did not like Mills and they alleged that Mills had attempted to bribe some of the delegates for their votes. Radicals concluded that Mills stood to benefit economically from separating El Paso County given that he owned one thousand acres along the river. Mills purchased the acreage that the delegates referred to at a government auction and he

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311 EPCR, Book C, March 20, 1867 and April 13, 1867.
312 Ibid., Book C, April 13, 1867.
313 Mills, 99.
314 San Antonio Express, July 2, 1868.
owned it temporarily, since the courts ordered that the land be returned to Simeon Hart after he received a pardon.315

A.H. French published a newsletter in 1868 that addressed the financial uncertainty of the tricommercialized zone. He titled his newsletter the Montezuma Times in honor of the name the ring wanted to use to identify the geographical space consisting of southwest Texas and southern New Mexico, had the State of Texas approved their proposal. French gave the reader the idea that El Pasoans were in an economically depressed state and expressed his views,

Great as our hopes may be, or lofty as our imagination may soar, we must admit that we are at present down to the bed rock in El Paso, that business is stagnated, money scarce, and everything dried up. In fact you notice the dried nature of everything, dried meat, fruit, pumpkins, peas, beans, chile, fish, old women, old men, acequias, and all we eat, talk about, hash up and chaw over is dry. Unless something turns up or we leave we all will dry up and blow away. We are at a loss to know how to remedy affairs, what to do, or how to act. We are like Millerites waiting for the end of time. It is astonishing to us how people live even how we live. We don’t do anything heavy in the paper business, and we don’t see anyone else doing anything or engaged.316

French added humor to what he saw as the future fiscal conditions of El Paso in 1868. His complaints about the scarcity of money contradict the reality given that in 1867 he made approximately $34,886. On the sale of goods, cattle and equipment he made a profit of $26,400, in land sales he cleared $3,320, and he received $5,166 from the claim against the government. This accounts for the income of only one individual and only one year and is a sample of what he acquired in El Paso County throughout the 1860s and 1870s. The rings jurisdiction extended to present-day Sierra Blanca and undoubtedly they confiscated more land and sold it to their cronies at a profit. The transactions described above demonstrate that the El Paso/Paso del Norte

315 San Antonio Express, July 23, 1868; August 21, 1868. Mills was laughed at by the delegation for his proposal and because he always boasted that he was the party boss for El Paso County. Shortly after the convention concluded, Mills was replaced as customs collector and he attributed his loss to the Radicals, who in turn, blamed him for his political undoing.

international boundary represented a vibrant zone of exchange which counters the historical accounts and myths that allege that this area remained economically depressed until the 1880s.

French addressed numerous issues regarding trade in his newsletter. He emphasized the fact that eastern merchants preferred to deal with Jewish traders over wholesalers from the southwest. One reason easterners limited their exchange with borderlands merchants involved the question of accepting the Mexican peso on par with the U.S. dollar. El Paso, Mesilla and Las Cruces suppliers opposed the devaluation of the Mexican peso, which easterners had set to exchange at fifteen cent devaluation. Local traders stood to lose money in sales and shipping if they did not acquiesce to pressure from the east. The editor of the newspaper Thirty Four stated that, “Mexican silver dollars…are intrinsically worth more, dollar for dollar, than the new American dollar. Not possessing, however, the legal tender feature, no one can be forced to take them, and it appears that speculators have somehow gotten up a corner against them and succeeded in depreciating them.” The general argument over devaluation is that dealers can sell more goods if they are cheaper, which translates into more goods for the buyer and more sales for the seller, while the seller makes up for the losses in volume. Moreover, the Mexican government levied a high tax on the export of silver coins and by initiating a devaluation of Mexican silver, Anglos could get more of the ore into the United States at a reduced price.

Furthermore, merchants from the east complained that a considerable amount of Mexican goods were being smuggled into the U.S. through El Paso. At least that is what one Texas

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317 Hamilton, 54-5.
318 Thirty Four, February 19, 1870.
politician alleged and he urged the U.S. government to stop the wholesale smuggling on the Río Grande, which cost American business owners an enormous amount of money. The official pointed out that merchants from Chihuahua and Coahuila relied on San Antonio wholesalers to supply them with American and foreign made goods and contemplated setting restrictions on Mexican traders if the smuggling of Mexican-made goods did not cease. Smuggling could not be controlled by the state capital, since French, Zabriskie, and Mills were the local customs officials and they allowed for the smuggling of goods into the U.S. from their Mexican counterparts. The same process occurred when American-made goods entered Mexico. Mexican customs collectors allowed merchandise to cross into Mexico without collecting the proper duties. Small Mexican businessmen complained of constant smuggling of goods by Anglos through Mesilla (explained above) and many were forced to close their stores as a result of the flood of American products into Mexico. Smuggling was a dynamic that needed to be addressed by both governments.

In addition to trade, the other factor that occupied the political agenda concerned westward expansion. The usurpation of land in the region had already undergone two cycles, the first during the initial conquest and the second occurred after the Civil War. New efforts to continue to populate the southwest were initiated through the passage of laws and disseminated through the media. The Daily New Mexican published a portion of the Homestead Law that unquestionably aimed to encourage easterners to migrate west. The editor explained that,

Any head of a family, any person twenty-one years old, and a citizen of the United States or who has filed his declaration to become such, and any minor who has served fourteen days in our army or navy, may enter eighty acres of land held at two dollars and fifty cents an acre, or one hundred and sixty acres of land held at half that rate. The process is to find land not taken up, go before the Register of the Land Office where it is located and make affidavit of citizenship, etc., and enter the eighty or one hundred and sixty acres selected. After cultivating it, or a portion of it, for five years, he is then entitled to his deed.

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320 The Daily Express, August 26, 1870.
321 Daily New Mexican, July 21, 1868.
The Homestead law targets those individuals of European descent, who had intentions of becoming U.S. citizens; however, the law did not apply to ethnic minorities.

The ensuing dispute over natural resources concluded with the passage of Article VII, Section 39 of the 1866 Constitution. The law released all mines and mineral deposits to the owner of the soil, including salt, wood, clay, water, and other natural resources. Samuel Maverick of San Antonio along with W.W. Mills and others known as the Salt Ring filed the first legitimate claim to the salt deposits located at the base of the Guadalupe Mountains. The act sanctioned the owners to take the necessary measures to eradicate subsistence practices, which ultimately led to a violent confrontation between Mexican farmers and Anglos (see Chapter Five). Taking control of the last vestiges of Mexican autonomy further advanced the capitalist, for profit principles.322

Anglo immigrants utilized the judicial system to take land already usurped by the previous settlers, while they expanded their control over other territory which further displaced ethnic Mexican communities. Horace Stephenson and Josiah Crosby had influential contacts in the state’s capital and were aided in getting the Ascárate Grant legally assigned to them. They were awarded one league each—approximately 6662.5 acres—of land (see illustration 3-1). In 1858 officials described the tract as situated,

between the formed location of Old ‘Fort Bliss’ and the town of Ysleta…and as lying about 3 miles below Concordia on the Eastern or Northern bank of El Rio Viejo, the title in and to said grant having been confirmed to Juan & Jacinto Ascarate by an act of the Texas Legislature approved the 11th day of February 1858. 323

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322 Halla, 218-19.
323 Special Collections and Archives, University of Texas, El Paso, MS 165, H. Gordon Frost Collection, folder one, August 9, 1870. Josiah Crosby held on to his one league share of Ascarate land until his death in 1904. The original deed dated February 11, 1858, was recorded in Book B, pages 5 and 6 of the records of El Paso County, State of Texas.
It appears that Rancho Concordia was no longer included as being part of the Ascárate Grant, which established that they were separate parcels and Hugh Stephenson or his offspring never acknowledged it as part of their holdings, only Horace Stephenson claimed ownership of the grant. On August 9, 1870, Horace deeded one-half of one leagues (approximately 3331.25 acres) to attorney Benjamin F. Williams for legal services and sold his other one-half interest to B.H. and Charles Davis for five hundred dollars. Local historians as well as J.J. Bowden have mistakenly assumed that the Concordia tract and the Ascárate Grant were one in the same, and this work makes a considerable contribution in this respect, they were two separate parcels of territory located in El Paso County.

Shortly after Horace sold his share of the Ascárate Grant, Hugh Stephenson died at the age of seventy-two in La Mesa, New Mexico.324 Hugh’s death marked the end of an era, in terms of the old Anglo power structure and the private plantation type estates that initially thrived in El Paso County. Four of the Stephenson-Ascárate offspring still owned numerous acres of Rancho Concordia, at least until the mid-1880s, which is when they engaged in a land selling frenzy. Only a .25 acre portion of the Concordia Cemetery is owned by Benancia Stephenson Ascárate’s (also French and Leahy) heirs, the rest of the 52 acres that comprise the cemetery grounds were sold to wealthy immigrants, the City and County of El Paso and the Catholic Diocese. The legacy of the Stephenson-Ascárate family continues to be communicated by civic leaders at Concordia Cemetery in a very limited way. Other historical figures and the myth of the Wild West have surpassed the Stephenson-Ascárate histories in importance.

324 Mills, 191. He died October 11, 1870 and local historians suggest that Hugh Stephenson is buried under the parking lot of the Las Cruces Western Bank.
Chapter Four

Gender, Race, Intermarriage, and the Mexican Elite

Juana María Ascarate met Hugh Stephenson during one of his trips to Corralitos, Chihuahua to purchase crude silver. Juana María’s father Juan sold and refined silver and Hugh became a regular customer and trading partner of Juan’s as well as a family friend who frequently stayed at their estate Casa Grande de Amo. According to local historian Susan B. Mayfield, Juana María and Hugh fell in love and were married in 1828, at the Mission Nuestra Señora de Guadalupe in Paso del Norte.325 The narrative suggests that Juana and Hugh purchased nine hundred-sixty acres of land north of the Río Grande from her father Juan Azcárate where they established their estate Rancho Concordia.326 While Hugh Stephenson engaged in the silver trade and traveled frequently to Chihuahua and Santa Fe, New Mexico, doña Juana supervised their agricultural and mercantile businesses, she raised their seven children, and she supplied the needs of the workers and their families living on the ranch. As Anglo Americans migrated to the tricommercialized zone they married into Mexican wealth and like Hugh Stephenson, they increased their fortunes and have since been revered by local historians for bringing civilization and economic growth to the region. Whereas, the Mexican women they married and their contributions to the social and economic growth of the area have not been documented. Investigating the financial activity of the Stephenson-Azcárate women and that of Mexican men and women, who by associating with Anglo immigrants either through

325 Susan B. Mayfield, “Juana M. Azcárate de Stephenson” Password Vol. 40, No. 1 (Spring 1995), 23-6. Juana María was born on February 8, 1809 and at nineteen years old when she married Hugh Stephenson in 1828. Hugh Stephenson was born in Kentucky in 1797 and at the age of twenty-seven he married Juana María.
326 Ibid., 24. Mayfield suggests that the 900 acres were part of the original Azcárate land grant, which was “situated north of El Paso del Norte, it extended roughly from present-day Montana Avenue, south to the Río Grande, and from Stevens Street on the west, to Marr Street on the east.” In Chapter Three, evidence reveals that the Ascarate Grant and Rancho Concordia were separate tracts of land and Concordia could have been up to 2200 acres in size.
marriage or trade, played an integral role in the implementation of Anglo capitalist values and the creation of a landless working class.\textsuperscript{327}

In general, there is an absence of historical documentation on and about ethnic and interracial women living in this area. Searching for women’s voices requires more in depth research given that census recorders had a tendency to exclude women’s names and simply counted them as part of the family unit and were simply listed as “wife.” Enumerators also omitted female heads of household or business owners from the official count; therefore, the institutions that handled census recording had the power to manipulate actual facts. Further, Anglos that married Mexicanas usually took possession of their fortune or inheritance since men were vested “with discretionary powers in matters pertaining to its business or property” and because colonial and Mexican societies considered the patriarch head of household.\textsuperscript{328} Hence official census data and historical narratives do not reflect a true demographic of men, women, and minorities particularly since ethnic Mexicans have always been the majority population in and around the El Paso and Doña Ana Counties and figures do not show this reality.\textsuperscript{329} Moreover, women have not necessarily been silenced but rather their function in the making of history has been minimized or ignored. Historians have used selective sources to produce history and have written narratives that credit men with the creation of societies and women are mostly written into history as fulfilling a function such as wife and mother.\textsuperscript{330} For example, local

\begin{thebibliography}{9}
\bibitem{327} Rebecca McDowell Craver, \textit{The Impact of Intimacy: Mexican-Anglo Intermarriage in New Mexico, 1821-1846} (El Paso: Texas Western Press, 1982), 34-5. Mexican civil law also “guaranteed that property acquired by either the husband or wife by donation, devise, or descent did not belong to the community but was the separate property of the acquiring party.” The tricommercialized zone encompassed the greater Las Cruces, El Paso, and Paso del Norte zone (Paso del Norte was renamed Ciudad Juárez in 1888).
\bibitem{328} Ibid.
\bibitem{329} Richard Griswold del Castillo, \textit{La Familia: Chicano Families in the Urban Southwest, 1848 to Present} (Indiana: University of Norte Dame Press, 1984), 22. Griswold del Castillo argues that in El Paso Mexicanos have never been a minority, only when it comes to representation of power.
\end{thebibliography}
historians glorify the pioneers that helped shape this region such as Hugh Stephenson, James Magoffin, and Simeon Hart and very little (if anything) is written about their wives Juana María Ascárate, María Gertrudis Váldez de Beremende, and Jesusita Siqueiros. Wealthy Mexicanas occupied important economic and social roles in this region given that they had family ties in both El Paso and Paso del Norte; they were responsible for their Anglo husband’s economic success, and they influenced the formation of a middle class, bicultural community.

After Mexican Independence contact with Anglo foreigners initiated a social and economic revolution throughout the Mexican borderlands. Most of those that traveled to Mexico on the trail were men. Anglos sought to get rich and acquire Mexican land, and with the circulation of Zebulon Pike’s accounts of unlimited land and resources, men sensed that achieving wealth and status were promising. Although the term “gold digger” has traditionally described women’s behavior and more specifically, it has defined Mexican or ethnic woman seeking to marry white men in order to achieve upper mobility. There is sufficient evidence that demonstrates that white men were seeking to marry into Mexican wealth to achieve equal positioning. Hence, the term “gold digger” can be used to refer to those Anglo men that migrated to the conquered regions to seek their fortunes, many of which married into Mexican wealth. Most Anglo immigrants, regardless of background, became traders and sought investment opportunities by contacting local elites and gaining their trust. In no time, Anglos were invited to join the inner circles and business networks and made their way into the homes of the wealthy. Subsequently, they met and married the young Mexican daughters of the elite.331

Law historian Mark M. Carroll looks at intermarriage between Anglo men and Mexican Tejanas and suggests that white immigrants preferred Mexican women that showed traces of

331 Frank Louis Halla, Jr., “El Paso, Texas and Juárez, Mexico: A Study of a Bi-Ethnic Community, 1846-1881” (The University of Texas at Austin, Ph.D., 1978, Philosophy), 199. Halla suggests that in 1860, 18 of 25 marriages were with Mexican women and in 1870, 19 of 27 marriages were with Mexican women.
Spanish lineage and counted on the belief that Hispanic women were subservient, “loving and devoted wives.” Carroll finds that Anglo men were aware of their presumed physical and racial advantages and they traveled to the Southwest with the idea that they were marketable among the wealthy Mexican families. Anglos negotiated a space for themselves by assimilating to the culture, they learned the Spanish language, and many became naturalized Mexicanos, which opened opportunities for the acquisition of land and access to resources and politics. Through marriage they secured a share of the family business and cemented commercial ties with the prominent merchants of the region. Another line of reasoning suggests that Mexican merchants sought to establish ties with the American markets and allowed Anglos to penetrate their networks which resulted in a mutually profitable alliance.

Historian Rebecca McDowell Craver describes the exchange initiated by intermarriage between Anglo foreigners and Mexican women as a “cooperative fusion” of cultures. Relationships were characterized by a sharing of responsibilities across gender due to the demands generated by commerce. Men were obligated to travel either to the interior of Mexico or to the northern regions of the Republic, which placed a big burden on women. As a result of the economic circumstances Juana María Stephenson as well as other Mexican women married to Anglo men held considerable power in both the domestic and economic realms. Women’s

333 Andrés Reséndez, Changing National Identities at the Frontier: Texas and New Mexico, 1800-1850 (New York: Cambridge University Press, 2005), 129-134. Reséndez suggests that in New Mexico the Church sought to regulate intermarriage and sometimes quarrels between priests and friars emerged over how to enforce the requirements on foreign-born grooms.
334 Craver, 2-3.
knowledge and lived experiences in commerce made their Anglo husbands prosperous in both wealth and reputation.335

Hugh and Juana María Stephenson are recognized by local historians as the first pioneering family to settle in what is now the City of El Paso in 1830.336 Local historians suggest that Hugh and Juana María established a reputation of being great humanitarians who worked tirelessly to help those in need, both Anglo and Mexican alike. James Magoffin Dwyer, Jr., a Magoffin-Stephenson descendant, describes Hugh Stephenson as a merchant, who freighted merchandise and dry goods from St. Louis, Missouri to Paso del Norte and that,

he also traded for silver in and around Corralitos, and besides the output from his mining properties, he re-smelted and…refined into small bars on which was his stamp and its weight and value. He was so well liked and esteemed by the Mexican people and they confided so much in his integrity, that these bars were used as a medium of exchange. Also with this silver he had a great deal of silver plate made and he furnished many of the wealthier families in Northern Mexico and New Mexico with silver services. And in the City of Chihuahua, Mexico, he continually kept busy a very competent silversmith, who was well equipped to manufacture the silver services. This ware he also used exclusively in his own home. But if he devoted much time to his business enterprises, always his greatest zeal was in personally helping, counseling and befriending the poor, sick and needy. These came to him from far and near, surely knowing that his house was always open to them and that they would not be disappointed.337

Mr. Magoffin Dwyer no doubt felt proud of his ancestral past and perhaps retold the legend of Hugh Stephenson as his father once communicated it to him. Nonetheless, primary documents have demonstrated that Stephenson fraudulently acquired the Bracito Grant and the silver mine in the Organ Mountains, and he deceived many business associates through misrepresentation and outright theft (see Chapter Three).

Juana María Ascárate grew up in a business oriented environment. Her father frequently invited business associates to stay at the family hacienda, Casa Grande de Amo. Numerous

335 Martha Menchaca, Recovering History Constructing Race: The Indian, Black, and White Roots of Mexican Americans (Austin: The University of Texas Press, 2001), 3; Reséndez, 248-9. Reséndez argues that the Mexican government advanced the racialization process by passing colonization laws that allotted land to Anglo migrants and by opening their borders to trade.
336 Rancho Ponce de León was the first community cluster north of the river, established in the 1820s.
Anglo merchants dealt with Juan Ascárate as a result of his connection to the silver mining industry. Hugh became one of Juan’s business associates and a family friend and he courted Juana María for three years before they married. Noted historian Deena J. González defines women like Juana María, who married Anglo men during the Mexican period, as the “greeting generation.” They facilitated the transition of men from another culture and assisted in the commercial conquest of the borderlands. In addition, working class Mexicanas that married Anglos did not fill the traditional roles as house wives and sexual partners; they worked outside the home as a result of the demand brought on by commerce and they had decision-making rights in the home.338

Hugh and Juana María settled on a large tract just north of the Rio Grande where they established vineyards, orchards, livestock, and a mercantile store. Doña Juana demonstrated expertise in riding horses and on occasion would accompany Hugh when he traveled to the valley to check on his mining and real estate interests.339 Susan Mayfield describes doña Juana Ascárate de Stephenson as a hardworking and generous wife, mother, and business woman that, supervised the planting of vineyards and orchards which supplied the needs of her own family and those of the workers. She was tireless in seeing to their needs and won their respect and admiration for being a good Samaritan. The land was transformed from a desert of scrub and cactus into a beautiful green estate. Her generous hospitality established early on El Paso’s reputation as a place of friendly people. Following the example set by her parents at Casa Grande de Amo, she welcomed, with grace and charm, the many houseguests who were business associates of her husband. She helped many other travelers who came through this frontier crossroads. One such group was a band of ragged, wounded Texan soldiers, who fought and were captured by Mexican authorities on the ill-fated Texan-Santa Fe Expedition of 1841. It is said that she fed and supplied them with provisions as they passed through on their forced march to Mexico City.340

338 Deena J. González, Refusing the Favor: The Spanish-Mexican Women of Santa Fe 1820-1880 (New York: Oxford University Press, 1999), 4, 45-57; Miroslava Chávez-García, Negotiating Conquest: Gender and Power in California, 1770s to 1880s (Tucson: The University of Arizona Press, 2004), 7-10. Social and economic conditions did not improve for women or the working classes in general after conquest, although historians have argued that a gradual improvement occurred overtime.
339 El Paso Times, February 6, 1956. It is possible that Hugh Stephenson squatted on the residential land he owned in the Las Cruces/Mesilla, New Mexico area.
340 Mayfield, 25; Reséndez, 197-200.
Hugh’s frequent absence from home situated Juana María as matriarch and administrator of Rancho Concordia. While he tended to legal matters in Doña Ana or stayed in Corralitos, Chihuahua to handle matters dealing with refining or selling silver, Juana María stayed behind and supervised production and watched over the community without her husband’s interjection. In addition, she fulfilled her role as wife, mother, and educator, and as landlord to Hugh’s many business associates that rented homes on Concordia property. As historian C.L. Sonnichsen put it, “if one is to consider Stephenson’s marriage to Juana, the family’s enterprises, the couple’s children, the question of citizenship and national loyalties, the languages spoken at home, and [the cross-cultural interaction], Stephenson-Ascárate represented the first family to resemble the Paseño way of life.”

Juana Maria, along with many other Mexican women across class lines, contributed to the economic growth of the region. Records indicate that women merchants registered their cattle brands with the municipal courts to protect their rights to their livestock, demonstrating that they were willing to meet the challenges of the commercial economy without being totally dependent on men for their survival. Working class men that worked on the trail as cooks, drivers, herders, muleteers, and servants were also gone for extended periods, and their wives stayed behind and watched over the family. Women worked outside the home where they were integrated into the economy as laborers, domestic servants, bakers, seamstresses, laundresses, curanderas/healers, midwives, and prostitutes.

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342 Ciudad Juárez Municipal Archives (hereinafter CJMA), 1671-1893, MF 513, University of Texas, El Paso, Microfilm Collection, roll 17, frames 355-399, 1826-1827.
343 González, 4, 14, 45-57; Miroslava Chávez-García, *Negotiating Conquest: Gender and Power in California, 1770s to 1880s* (Tucson: The University of Arizona Press, 2004), 7-10. Social and economic conditions did not improve for women or the working classes in general after conquest, although historians have argued that a gradual improvement occurred overtime.
Scholars have identified a link between the growth of businesses owned by women with “merchant and industrial capitalism.” The demand generated by the predominantly male presence engaged in commercial activity, travel, and migration increased the need for service-oriented and entertainment establishments such as brothels, saloons, mercantile shops, and even self-employed prostitutes found a niche in the space created by commerce. Gambling houses in particular became social centers where businessmen negotiated deals, soldiers relaxed, and adventurers took in the ambience and later wrote about their exploits and what they witnessed in these environments (see Chapter Six for more on prostitution).344

Moreover, during the Mexican period, the great majority of the population consisted of the working classes who worked for the local wealthy primarily as laborers and domestic servants. The lower classes as a whole were susceptible to different types of abuse at the workplace. Court records reveal that laborers and domestics were mistreated and overworked, and bosses showed little compassion when their employees were ill or did not fulfill their duties. Consequently, the court system served as a space for both employer and employee to address their grievances. Civil cases (juicios verbales) reveal that not only did employees file charges against their bosses for disrespect, over work and physical abuse, but employers also sued their workers for theft and laziness. For example, don Juan María Ponce de León took his servant Fabian Lara to court for not fulfilling his duties and in another case a boss accused his domestic servant of stealing money and silver.345 On the other hand, domestic servants were more susceptible to physical abuse and utilized the courts for recourse. In one case, María Isidra Apodaca a servant of Juana María Stephenson, filed charges against doña Juana alleging that she had been physically abused. In 1836 María Isidra claimed that her boss (ama) doña Juana had

344 Chávez-Garcia, 39-44.
345 CJMA, roll 17, frames 131-154, 1825; roll 18, frames 180-203, 1826,
disrespected her and offended her honor and had beat her for unexplained reasons. Juana María responded to the allegations acknowledging that she had in fact grabbed Marí a Isidra and had shook her (la estrujó), but did not beat her. She explained that Isidra had been performing her job poorly and also suspected Isidra of taking merchandise; therefore, Doña Juana shook Isidra in hopes that the objects taken would fall out of her person. Joaquin Velarde, the presiding judge seemed eager to resolve the dispute and ordered that both the plaintiff and defendant name their co-judges. After weighing the evidence, the judges agreed that Juana María Stephenson be ordered to pay María Isidra Apodaca for two days of lost wages.346

Days after the courts ruled against doña Juana, the Stephenson’s filed theft charges against María Isidra Apodaca. In the petition they accused Isidra of taking eight hundred pesos and some items from the Concordia mercantile store. Hugh’s sworn affidavit stated that María Isidra and one other woman were in and out of the mercantile store as they brought water to the compound from the acequia and that they were the only ones in the building the entire time. Three witnesses were interrogated regarding their relationship to Isidra and were asked if they had spoken to her on the days in which the money and goods were allegedly taken. All three denied having seen or spoken to Isidra or the other women on the days in question.347

María Isidra Apodaca was twenty-four years old when theft charges were filed against her. The courts ordered that she remain in jail throughout the litigation period, which lasted approximately one year. María Isidra adamantly argued that the allegations were fabricated and maintained that her boss doña Juana acted with vengeance and retaliated for having been embarrassed in the courts. One year later a witness came forward and stated that he saw her take the money. Judge Velarde appeared to be skeptical of the new information presented by the

346 CJMA, roll 28, frames 216-17, May 3, 1836. It was customary for the presiding judge to form a tribunal when he did not want to make the decision on his own, particularly if a wealthy individual was involved in the lawsuit.
347 Ibid., roll 29, frames 236-40 and 245-47, 1837.
plaintiffs and declared that as magistrate he had to be fair and impartial. He moved to drop the charges against María Isidra and ordered her release. One can only speculate that the judge sensed that the Stephenson’s were acting under resentful circumstances against their ex-employee rather than on fact.348

Municipal records provide valuable insight on the relationship between bosses and their domestic workers. These documents challenge the idea that Mrs. Stephenson or Juan Ponce de León were generous employers and records also prove that abuse and exploitation of workers existed before U.S. invasion. Employers expected their employees to get the work done and they were capable of insulting and beating their help knowing that they were poor and needed the money to feed their families. These cases and others like them point to the violence perpetrated against the domestic help by employers, a topic rarely examined by scholars.349 It similarly demonstrates that María Isidra had knowledge of the court system and knew her rights and she stood up to her boss in the courts, and although she was of lower class, honor and respect were ideals that the poor also embraced. Moreover, women’s signatures are absent from the petitions. Only their husband’s signatures appear which relegated responsibility to the patriarch. Regardless of class, marital status determined the extent of a woman’s rights when in front of a government official or when selling personal property.350

After the US-Mexico War ended Mexican people experienced changes in the social and economic spheres. Issues of land, race, citizenship, and assimilation became major factors that determined acceptance for Mexican women and men in American society. The incoming Anglos, regardless of social status, demonstrated total disrespect for the Spanish-Mexican laws

348 CJMA, roll 29, frames 252-55, 1838.
349 Armitage, 388-9. Armitage points out that historians have long ignored addressing issues of violence against women, which occurred in public spaces (rapes and killings) and in the private sphere (spousal violence).
350 Chávez-García, 53.
and regulations and expected to profit from the abundance of raw materials and land that until then had been communally owned. In addition, Anglos anticipated benefitting from trade with Mexico and its huge deposits of silver and gold, as well as from the limitless supply of mules and other commodities.

In general, the majority of the Anglos that crossed the Santa Fe Trail and into conquered territory were not wealthy or educated. They were adventurers, trappers turned traders, or scoundrels, who left their wives and their debts behind; they sought riches and hoped to establish new lives in the west. Among them were also soldiers who had been part of the conquering army and were subsequently stationed at Fort Bliss, Ft. Fillmore or Ft. Quitman.\textsuperscript{351} Intermarriage with the Mexican wealthy continued to be the desired outcome; nevertheless, it became a common practice for Anglos that migrated to the region after 1848 to marry working class Mexicanas. They were in the same class level and had similar religious beliefs, despite the racial and cultural differences. As a result of intermarriage among the working classes, traditional practices were altered when “courthouse weddings” were popularized which challenged Mexican male authority and changed the long-established religious practices of church-sanctioned unions.\textsuperscript{352} More Anglo women began to travel on the trail as well. Initially with their husbands, and as the railroad reached the southwest in the late 1870s and early 1880s, more single women ventured to the borderlands. A number of diaries have been published that provide a white upper class woman’s perspective about Mexican women and Mexican people as a whole. American

\textsuperscript{351} John P. Bloom, “Johnny Gringo at the Pass of the North” \textit{Password} IV, No. 4 (Oct 1959), 134-40.
\textsuperscript{352} Halla, 201-16. According to Halla, in 1860 18 of 25 marriages were with Mexican women and in 1870 19 of 27. The largest percentage of Anglos came from Missouri, Kentucky, and Tennessee and after 1848, in addition to these states, Anglos also migrated from Pennsylvania, Virginia, New York, Vermont, Ohio, Illinois, and Maryland. A number of foreigners also made their way to the borderlands from Canada and Europe (France, Britain, and Germany).
historians have given considerable credibility to this literature and scholars have described most women that traveled or migrated to the southwest before the railroad, as being wealthy and characteristically “delicate fragile, ethereal and defenseless creatures around whom no gentleman would smoke, curse or drink.”

Susan Shelby Magoffin, recognized as the first woman to cross the Santa Fe Trail, is described by historian Howard R. Lamar as being “a pert, observant young lady of wealth and fashion [who traveled in] extraordinary luxury [and] in addition to a small tent house, a private carriage, books, and notions, her indulgent husband [Samuel Magoffin] provided her with a maid, a driver, and at least two servant boys.”

Race and racial differences is a recurring theme throughout Susan Magoffin’s narrative. She constantly questioned her understanding of the predetermined racial views that Anglos harbored about people of Mexican origin. Although Susan claimed that she did not judge Mexicans and their customs as “rashly as most [Anglo] persons,” she referred to her Mexican servants as “numbskulls” and Mexican people in general as being of “low” class. Susan seemed horrified to see that women smoked, showed their ankles and carried on in public, and while on the Chihuahua Trail, she refused to sell dresses to the Indian and Mexican women for the same price that her husband Samuel had sold them in the past. The diaries that were written by white women demonstrate that they were equally as racist as their husbands. For example, Fanny Calderón de la Barca, an immigrant from New York, categorized Mexican women as

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354 Stella M. Drumm, ed., Down the Santa Fe Trail and Into Mexico: Diary of Susan Shelby Magoffin 1846-1847 (New Haven: Yale University Press, 1926), ix, 196, 207. The Magoffin’s were veteran traders and had contacts as far south as Mexico City. Susan identified the commercial clusters that dotted the trail as “civilization on a small scale” and that the people, both Indian and Mexican, were familiar with trade practices. However, once Samuel’s caravan arrived in Paso del Norte, the only two contacts mentioned by Susan were father Ramón Ortríz and don Agapaito. There is no mention of Hugh and Juana María Stephenson or any of the other well-known 1830s and 40s Anglo and Mexican merchants such as Robert McKnight, Mariano Saminego, or Juan Ponce de León. Susan also implied that it was father Ortiz who fed and clothed the Texas prisoners and not Juana Maríia Stephenson as suggested by local historians.
355 Drumm, 111, 133, 205.
being either upper class or “mixed race lower classes.” She found that lower class women were identifiable by their forms of expression and their “dialect and idioms” and that they demonstrated knowledge of commerce and money. She alleged, however, that “their social life [was] of a free nature, and consequently but few marriages [took] place among them,” insinuating that most working women were sexually active but ended up single and full of children. The assumption that Hispanic women were “easily seduced” because they were incapable of mastering their own “sexual impulses” and Anglo women, since they were raised to be “sexually anesthetic,” preferred to accept this incorrect and invented view of Mexicanas to justify their own insecurities.356

Arguably, Susan Shelby Magoffin does not represent the first woman to travel on the Santa Fe Trail. The first women to cross the commercial trail were of Mestizo heritage. Mestizas traveled with caravans leaving New Mexico to Independence, Missouri, where many were hired by Anglo families to work as servants and laborers. When Susan and Samuel Magoffin crossed the trail, they brought several Mexican servants that had worked for them in Missouri.357 It is unfortunate that few if any diaries or journals written by Mexicans exist that could reveal their viewpoint in terms of Anglo social practices and beliefs and the economic invasion. A vital aspect of Mexican American history is absent and one can only piece together history from few primary sources in an attempt to validate the Mexican presence and because the scarcity of sources sometimes makes it challenging to produce credible history. Further, records indicate that the first wave of white women (after Susan Shelby Magoffin) to establish residence in the El Paso area arrived until after the Civil War. Many migrated with their Anglo husbands

357 Drumm, 4.
seeking free land, many were military wives, and many more drifted in as single women after 1870 and entered the work force.\textsuperscript{358}

In El Paso, Texas (known as Franklin, Texas until 1859) a hand full of Anglo men established businesses in the region after 1848. Among them were Simeon Hart and James Wiley Magoffin who married women from the greeting generation. Simeon Hart established the first mill in El Paso after marrying Jesusita Siqueiros, the daughter of a wealthy Mexican mill owner and businessman who taught Hart the mill business. Local historians have failed to point out that Hart had no money when he arrived in El Paso, and although he is given credit for contributing to the growth of the region, his wife Jesusita is responsible for his social and economic advancement. James Magoffin previously lived in Chihuahua City and other parts of Mexico and he established a reputation as a merchant on the Chihuahua Trail. In 1850 he moved to El Paso with his wife María Gertrudis Váldez de Beremende, a wealthy Nuevo Mexicana from Santa Fe, New Mexico. Magoffin and Hugh Stephenson were friends and business associates and both Hart and Magoffin had stayed at Rancho Concordia on numerous occasions before they permanently relocated to El Paso.

Hugh or Hugo Estevanson and Juana María built an extensive network of merchants, both Mexican and Anglo. The merchants that reached this part of the borderlands stayed at Rancho Concordia when they were on route to Chihuahua City or when they were headed north to Santa Fe and Independence, Missouri.\textsuperscript{359} The Stephenson’s were also very welcoming to the military

\textsuperscript{358} Armitage, 389-90.
\textsuperscript{359} Rex Strickland, \textit{Six Who Came to El Paso: Pioneers of the 1840s} (El Paso: Texas Western College Press, 1963), 6-7, 35-7. The three merchants living in Rancho Concordia are identified by Strickland as Henry Skillman, Rufus Doane, and Frederick Augustus Percy (Stephenson’s future son-in-law). Hugh associated with many Anglo merchants, including Price Cooper, Brad Daily, Henry Skillman, Lewis Dutton, Charles White, James Buchanan, James P. Hickman, Isaac Lightner, Gabriel Allen, Sam Bean, James and John Lucas, Tom Massie, Parker H. French, Ben Dowell, the Glasgow brothers, Josiah Gregg, James Harrison, and the Mills brothers, to name a few. Many traders returned to Missouri or migrated to other borderlands areas.
and socialized with the high ranking officers and their families. During the period before the Civil War, social events and gatherings among the privileged from both sides of the river were a common occurrence, and sumptuous feasts with unlimited wine as well as many young, beautiful dark-eyed Mexicanas seeking to marry Anglo officers or merchants made up part of the festivities. One of the first military weddings in El Paso occurred between Major Israel B. Richardson and Margarita Stephenson, the oldest of the Stephenson-Ascárate daughters.\footnote{Garna Loy Christian, “Sword and Plowshare: The Symbiotic Development of Fort Bliss and El Paso, Texas, 1849-1918” (Ph.D. Dissertation, Texas Tech University, 1977), 1-8, 21-24.}

After 1848 attitudes among the well-to-do Mexicans and Mexican Americans changed. For example, Juana María insisted that her children start speaking English and sent her sons to school in Missouri to make the Americanization process easier for them. In addition, since Hugh never gave up his U.S. citizenship, like other Anglo migrants had done during the Mexican period, his children were easily naturalized and all their landholdings were legitimized by the State of Texas with little difficulty. According to historian Jane Dysart, young men and women of mixed marriage usually identified with their father’s racial group rather than their mother’s; they became Anglicized and married other Anglos or non-Mexicans. Juana María Stephenson encouraged her children to learn the ways of the conqueror, their names were Anglicized, and her boys were immersed in the Anglo culture to aid with assimilation.\footnote{Jane Dysart, “Mexican Women in San Antonio, 1830-1860: The Assimilation Process” Western Historical Quarterly Vol. 7, No. 4 (Oct 1976), 365-375. The seven Stephenson-Ascárate offspring were: Hugo (Hugh Jr.) records indicate he died young although I have not determined his date of death, Margarita (Rita or Margaret), Oracio (Horace), Leonora (Leonor), Benancia (Nancy), Alberto (Albert) and Adelaida (Adelaida or Aide).} Women had more influence on the family when dealing with cultural traditions as revealed by Juana María who had not enforced the English language or Anglo customs on her children until after the U.S. invaded Mexico.
The unexpected passing of Juana María changed the course of history for the Stephenson-Ascárate family. On February 6, 1856, Juana María died from wounds she received after being gored by her pet deer. She was survived by her seven children who had come to represent the first bilingual, bicultural, Mexican American family of El Paso, Texas. Doña Juana invested her life in carving out a place that had meaning for her family, as a cultural space and as an important economic landscape that evolved into a small city containing residents, workers, production, a chapel and a cemetery. She provided her children with religious values and respect for family, fulfilling her role as mother and nurturer, as well as taught them the meaning of hard work and the value of land. Her daughters Margarita, Leonora, Benancia, and Adelaida grew into young Mexican American women that were influenced by Anglo American ideals and values, but they were equally influenced by the powerful Mexican *fronterizo* elite that engaged in the trade of American-made goods, they bought real estate in El Paso and Doña Ana counties where they established secondary homes, and they continued to maintain social networks through intermarriage.

Three years after Juana María’s death, Hugh deeded the Town of Concordia and the Bracito land to six of his children. He had just settled all the lawsuits involving ownership of the mine in the Organ Mountains and still engaged in extracting silver ore, which is probably why he did not include the mine as part of the transfer. The Stephenson-Ascárate offspring each received hundreds of acres of land along with the businesses established on them, including a

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362 Mayfield, 25. Juana María died two days before her forty-seventh birthday.
364 Victor Manuel Macías González, Mexicans “Of The Better Class”: The Elite Culture and Ideology of Porfirian Chihuahua and Its Influence on the Mexican American Generation, 1876-1936” (The University of Texas at El Paso, MA, 1995), 12-20. The Ascárates became part of the refugees that fled Ciudad Juárez during the Mexican Revolution and established permanent roots north of the river, mostly in the Las Cruces area.
365 Deed Records, El Paso County, Texas, Books D-J, July 22, 1859. His home in Las Cruces, New Mexico was not included as part of the transfer either.
community with workers and tenant farmers, orchards, agriculture, a mercantile store, cattle, mules, and other farm animals. Within ten years they also held leases with Ft. Fillmore, based at Bracito and Ft. Bliss stationed on Concordia grounds.366

Two of the Stephenson-Ascarate daughters were married when their father deeded the properties to them: Margarita and Leonora. Margarita married for the second time in 1858 to José María Flores, an immigrant from San Antonio and a nephew of James Wiley Magoffin (uncle by marriage). Flores moved to El Paso to work for Magoffin and became a well-known merchant—profiting from the contacts Margarita’s family had cultivated—and chose to live in Paso del Norte where he became mayor of the city and served in numerous political posts. Flores became a well-known merchant—profiting from the contacts Margarita’s family had cultivated—and chose to live in Paso del Norte where he became mayor of the city and served in numerous political posts.367 Throughout his life Mr. Flores kept a journal that combined business records, personal notes about daily events and important dates, clippings from publications, letters he received from family and friends, in addition to lists of people that visited their home in Paso del Norte, Mexico.368 The Stephenson-Flores household resembled a central station where business associates and family passed through and stayed sometimes for long visits or to rest as they continued their journey to the U.S. or to southern Mexico.369 Margarita’s

366 Magoffin Dwyer, 2. Bracito consisted of 23,000 acres and local historians suggest Bracito is located in the area now known as Vado, Texas. Ft. Fillmore was destroyed after the Civil War and Camp Concordia remained on Concordia grounds from 1868 to 1877 when the fort closed down for lack of funds.
367 Mayfield, 26; Special Collections and Archives, University of Texas, El Paso, MS341, Stephenson-Flores Family Papers (SFFP), box 5, Margarita Stephenson and José María Flores marriage certificate, 1858. They were married in the Guadalupe Mission in Paso del Norte. There is no data that offers an explanation as to what happened to Margarita’s marriage to Major Richardson. It was common for wealthy women to remarry soon after they were widowed or divorced and in the case of the Stephenson-Ascárate women, they all remarried within one year, except for Adelaida; she remained married to James Zabriskie until her death in 1903.
368 SFFP, boxes 1-5, 1852 to approximately the early 1900s.
369 Halla, 83, 209-11; Mills, 89. Among the Anglo contacts were the Diffenderfer brothers who were both U.S. diplomats and personal friends, Simeon Hart, the Magoffin family, Ernest Angerstein, Robert McKnight, W.W. Mills, and many individuals from San Antonio that were no doubt friends from his youth. Mexican merchants such
capital helped them get established in Paso del Norte and her contacts proved beneficial for Mr. Flores as he pursued his political and economic interests since he arrived in El Paso without means of support.

Margarita filled an important role in terms of demonstrating the conterminous relationship that ensued between the now divided communities of El Paso and Paso del Norte. Margarita represented the fusion of cultures familiarized by Juana María Ascárate and the other greeting generation of Mexican-Anglo marriages that endured throughout the decades. Although the ways of the Anglo and their practices were imposed on the Ascárate-Stephenson offspring, their Mexican heritage could never be erased. Margarita helped preserve the Ascárate familial ties by maintaining a middle-ground and continued to replicate the richness of the Mexican culture by giving birth to all her children in Mexico. Regardless of nationality, however, all her offspring crossed the border for business and pleasure without concern over immigration issues and Margarita’s offspring married both Mexican and Anglo wealthy demonstrating that the practice of intermarriage continued into later generations.

Leonora Stephenson married Frederic Augustus Percy a man of British heritage and seventeen years her senior. Percy worked for Franklin Coon as a wagon master and he stumbled into El Paso in 1850. Percy became friendly with Hugh Stephenson and established residence in Concordia. Percy also befriended James Magoffin as well as the other merchants that operated in the tricommmercialized zone. According to historian Rex W. Strickland, Percy appeared to be an unpretentious man, open to ideas and adventures. For example, in 1853 he joined James

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371. At least one great, great granddaughter still resides in the Stephenson-Flores home in Cd. Juárez.
Magoffin and the mob that attacked the salt carters (salineros) at the foot of the San Andres Mountains in New Mexico. He escaped prosecution by staying in Texas, just like Magoffin and the others, but one can only question why Percy would willingly participate in activity that involved a violent act against a peaceful people and the possible loss of life?372

Strickland suggests that Percy’s English roots, his “above reproach” education, and his talents granted him a place among the local elite. As an amateur artist and writer, Percy contributed to our region’s history by publishing a newsletter or “monthly journal” that dealt with El Paso news titled El Sabio Sembrador (The Wise Sower). He reported on local and regional news, he informed the reader about the Indian situation, as well as offered news regarding which merchants left the city and who arrived with goods. Percy gave his opinion about the political environment and he provided San Antonio and Santa Fe with current news updates.373 The following is a description of what Percy saw in El Paso in 1854,

The soil of the valley…produces grain of every description…cotton as well as tobacco can be grown with success…the grape which is now produced is of two classes—one is known as the muscatel…a light pea green color; it is delicious table fruit…the other kind…is simply known as the El Paso Grape…it is very nearly allied in appearance and taste to the Isabella; it is urged by connoisseurs [sic] that it is the same, and was introduced by Spaniards who first colonized this continent. [O]ur vegetables are superior both in size and deliciousness, especially the onion, which we think rivals anything of the kind that our eyes ever gazed upon, or our masticators ever encountered. The mineral resources of the country are yet in a great measure undeveloped…within the bowels of the mountains, which tower up around us, are centered the greatest abundance of metals of the most precious kind. The discoveries of silver ore particularly justify the belief that the day is not very distant when this [region] will be recognized as one of the most extensive mining districts of the world.374

Leonora and Percy maintained their residence in Concordia and Percy became one of Hugh Stephenson’s closest and most trusted business associates. Percy, however, had no money when he married Leonora.

374 Ibid., 31.
Soon after Leonor and Percy were married, the Civil War broke out. Although Percy’s sympathies were with the Confederates, he remained in El Paso while Hugh and Horace Stephenson were away at war. Along with the Percy’s, Adelaida, Benancia, Hugh Jr., and Albert remained at Concordia. Growing up in a business environment they were familiar with the day-to-day operations and with the help of the community that lived on the grounds, who also depended on the harvests for their survival, enabled the business to function efficiently. Life for them continued, albeit with more restrictions due to Mexico closing its borders. During the Civil War, this region proved important for both Confederates and Unionists because the roads that passed through here lead to California, which served as a life line for supplies and reinforcement for the Union Army. The Confederates strategically captured the area between New Mexico and El Paso County and for a one-year period and trade and travel came to a complete stop.375

By 1863 the Union Army had ousted the Confederates and established their headquarters in El Paso. The first signs of normalcy along the tricommercialized zone were demonstrated when Texas asserted its economic power over the region and established a customs house in El Paso and the El Paso/Paso del Norte port resumed in importance as the busiest along the borderlands.376 Mexican merchants demonstrated their support for the Union Army and according to The New Mexican, Juan Zubrián and Mariano Samaniego, two of Paso del Norte’s elite, honored General Carlton and his men for their bravery. The editorial stated that,

the principal citizens of Mexico came over in large numbers, to pay him their respects and offer him their friendly hands…wishing to extend the hospitalities of their city to the General and the gentlemen with him, promptly arranged for a grand Baile at the residence of the Doctor [Samaniego]. The Ball came off, and it was one of the most brilliant…displays of the kind ever seen upon these frontiers. The spacious hall of the Doctor’s was filled with handsome and graceful ladies, richly and gracefully dressed—Col. Bowie’s brass

375 Jack C. Vowell, Jr., “Politics at El Paso: 1850-1920” (M.A. Thesis, American History, University of Texas, El Paso, 1952), 45-6. Approximately forty-four men, including the Stephenson’s, were permanently established in El Paso and except for three, they all joined the Confederate Army.

376 White, 61-6.
band from Franklin reached the city in advance of the guests, and after serenading some of the principal families, repaired to the Doctor’s and at 10 o’clock in the evening, the dancing began, and from that hour until clear day light, the gay movement of glad feet was incessant. The supper was a grand banquet. The table was mounted with the purest wine, choice fruits and all varieties of sweet meats. In the center was a pyramid cake of an enormous size, from the top floated the national colors of the United States and Mexico, beautifully comingling.377

It is evident by this social gathering that Mexicanos felt at ease when crossing the international boundary. Merchants shared a desire for continued growth and had extended networks that stretched into Missouri; any immigration or trade laws implemented during that period were obviously not a concern for the wealthy on either side.

While social and economic relations seemed amicable, the political circumstances changed drastically when ex-unionist politicians occupied El Paso, Texas. Officers arrived determined to sequester land owned by ex-Confederates—including land owned by Hugh Stephenson, James Magoffin, Simeon Hart, and many others—and to establish a reconstruction government.378 As a whole, the reconstruction effort can be defined as multifaceted. There were three main goals that the government aimed to accomplish: the first involved moving away from the bicultural, bilingual traditions and implement English-speaking practices; the second required the transfer of the political seat, incorporate the City of El Paso, and strip Mexican American politicians of their power; and the third entailed a further consolidation of land ownership and to set land aside for the railroad.379 From the mid-1860s until the railroad arrived, Anglos successfully transferred the county seat to the City of El Paso and acquired hundreds of acres of land utilizing the legal system; more Mexican land owners and legal citizens were robbed of their property, which incited another wave of forced repatriation. Those ethnic Mexicans that

377 The New Mexican, “News from Franklin, Texas” February 27, 1864.
378 W.H. Timmons, El Paso: A Borderlands History (El Paso: Texas Western Press, 1990), 156. Although Jack Vowell suggests that the reconstruction period lasted from 1863 to 1869 when the railroad capitalist arrived.
remained in El Paso County were relegated to the laboring class and destined to live in segregated communities.\textsuperscript{380}

Albert H. French and James A. Zabriskie from the California Column were two of the most influential of the reconstruction government. French trained as a civil engineer and Zabriskie, studied law; however, both men were basically insolvent when they were assigned to assume control of the city and county government. They served in various political positions, including county judge, county attorney and surveyor, to name a few.\textsuperscript{381} French and Zabriskie arrived in the southwest with the same aspirations that Anglo immigrants had in the past, expecting to profit from land seizures and hoping to marry into wealth.\textsuperscript{382} Fate could not have been kinder to Hugh Stephenson, when in 1864, Adelaida married James Zabriskie and Benancia married Albert French. As a result of these unions, Concordia and Bracito were returned to the Stephenson-Ascárate offspring and Hugh and Horace received a pardon from the government for their pro-Confederate role during the war (see Chapter Three).\textsuperscript{383}

Albert French and James Zabriskie bought and sold a considerable amount of land after 1865. Many of the transactions also named their wives, Benancia and Adelaida as buyers or sellers, but both men also acquired parcels and other commodities as individual investors, undoubtedly with funds they obtained from their wives. After an entourage of attorneys arrived in 1869, with James P. Hague at the forefront, land sales and purchases increased

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\textsuperscript{380} Menchaca, 3. The first wave of forced repatriation occurred just after U.S. occupation.
\textsuperscript{381} Deed Records, Book E. In 1874 French and Zabriskie received $10,000 as payment from the government of the state of Texas for their work in the reconstruction of the city of El Paso, January 1, 1874.
\textsuperscript{382} Vowell, 50-4. Vowell suggests that the radical machine assigned to set up the reconstruction government included A.H. French, J.A. Zabriskie, A.J. Fountain, Henry Cuniffe, B.J. Williams, and Gaylord Clarke.
\end{flushright}
exponentially.\textsuperscript{384} Two railroad companies hired Hague and instructed him to buy the land necessary to lay down their tracks from El Paso, Ysleta and San Elizario, at the lowest price possible. Although railroad companies were “granted the rights of eminent domain,” the process of acquiring the land would have been costly and tedious.\textsuperscript{385}

Railroad capitalists were not interested in tapping into the existing commercial markets nor did they pursue the Mexican networks. They focused on making contacts with prominent Mexican Americans in El Paso County that could help with the transition process. José María Gonzales, the mayor of Ysleta, offered his services in exchange for money and land.\textsuperscript{386} José María personally aided in the sale of hundreds of acres of land located in Ysleta and San Elizario and Hague and his associates purchased a great deal of it. Gonzales watched as citizens were cheated of their livelihoods when they were intimidated into selling their plots for as little as twenty dollars. Any parcels that were not located in the railroad’s right of way were resold for three or four times the original purchase price and the plots were sold mostly to Anglo men and women while the railroad purchased all land considered part of its right of way for one dollar.\textsuperscript{387} Thousands of acres were procured at nominal prices and with land donations from some of the local wealthy, the railroad acquired the territory needed to lay their tracks, build a depot, a roundhouse, and freight yards. Hundreds of people were displaced and left landless and

\textsuperscript{384} White, 77. Among the more aggressive that arrived in 1869 were James P. Hague, Ward Blanchard, Charles Kerker, S.B. Newcomb, Joseph W. Tays, Allen Blacker, T. Thayer, J.F. Evans, A.B. Rohman, and Edmund Stein. White still considered Anglo immigrants arriving in 1870 pioneers, which demonstrates that the term was misused and it continues to be used when discussing El Paso’s history and the arrival of Anglos to the region.
\textsuperscript{385} Tirres, 168-9; Deed Records, Book E, 1872. For example, Ernest Angerstein deeded seventeen acres of land to the Rio Grande and El Paso Railroad Company, for one dollar.
\textsuperscript{386} José María Gonzales also served and justice of the peace and notary public.
hundreds more migrated to Mexico because they had no means of support. The blatant theft of land, the high taxes levied on private property, and the ban on communal use of natural resources, gave rise to the so-called Bandido or Bandit. Mexican Americans retaliated against their disenfranchisement as they faced loss of citizenship and displacement (see Chapter Five).

El Paso historians Max Morehead, Owen White, W.H. Timmons, Rex Strickland, W.W. Mills and others have pointed to the arrival of the railroad as “the most significant [event] in the city’s history.” James P. Hague is given immeasurable credit for having brought the railroad to El Paso, which caused a “profound and revolutionary effect on the little town [and] had it not been for the progressive few Americans…the Mexicans from Ysleta, Socorro, [and San Elizario would still be] sitting around following the shade from one side of the house to the other.”

This has been the accepted racial perception of ethnic Mexicans of this region until now. Historical accounts have disregarded the fact that as a result of the Camino Real Trails, El Paso developed into a main thoroughfare and a bustling commercial center since the 1750s. The railroad represented a technological advancement that signaled a change in the times throughout the nation and the world, not just in El Paso, Texas. Historians have also neglected to acknowledge that women played a significant role in the transformation of El Paso and that Mexican women were the silent partners behind every successful Anglo man that settled in this part of the borderlands.

388 Deed Records, Books C, E, F, 1870-1875. José María Gonzales gave a sworn statement during the investigations regarding the Ascarate Land Grant and he testified that Juan and Jacinto Ascárate did not own land north of the river and the thirteen thousand acres that comprised the Ascárate spread were rightfully part of the Ysleta Grant.

389 White, 124; Timmons, 166-7. For his services to the railroad, James Hague was rewarded with a considerable amount of property, he was appointed district attorney, and his home and office “occupied a square block on Santa Fe and San Francisco streets.” José María Gonzales was awarded seventeen acres of land in Ysleta for his support on the land sales project and the transfer of the county seat.
Deed records have proven valuable when tracing the activity of the Stephenson-Ascárate women given that all four participated in the legal exchange of land. Margarita and Leonora sold a significant portion of their Concordia interest to Albert and Benancia French in 1867. Further, Margarita Stephenson Flores and her husband engaged in some land sales and purchases during the 1870s and 1880s. One record shows that in 1874 they bought land from Halbert Paine, and in 1887, they sold forty-three acres of Concordia land to John J. Mundy. The sale to Mundy may have represented the last of the acreage that Margarita inherited in 1859; however, she and her husband owned real estate in Ciudad Juárez.

In 1867 Leonora Stephenson and Frederick Percy were divorced; however, she remarried in 1868. Wealthy women that divorced or widowed young usually remarried within a year or two. A large pool of men existed in this region seeking to marry women with large fortunes with ties to the bicultural networks. Leonora married Manuel José Flores, a migrant from Santa Fe, and he served in numerous political posts for El Paso County. During the 1870s and 1880s Leonora, and her second husband Manuel, engaged in the purchase and sale of land in El Paso County. In 1879, they purchased a parcel located in Ysleta from Mariano Apodaca. In 1884 they sold one acre of Concordia property to the County of El Paso, and in 1885, they sold another acre lot to the Mount Sinai Association.

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390 Deed Records, Book C, D, and E, 1866 to 1888.
391 El Paso County Records (EPCR), Book C, 1867. In 1867 each of the Stephenson-Ascárate offspring received just over $5,000 from the U.S. government as part of a settlement.
392 Deed Records, Book C, 1867; General Index of Deeds, A-Z, prior to 1881. Eventually, Mundy owned the lion’s share of the Concordia Cemetery and with the purchase of the forty-three acres from Margarita, he also bought the rights to the name.
393 Records indicate that some of the Flores offspring married into the Mariano Samaniego family.
Adelaida Stephenson and James Zabriskie sold their entire one-sixth share of Concordia property to Benancia and Albert French, including the home she owned in Rancho Concordia. In addition, Zabriskie earned a substantial amount of money surveying railroad land and through his legal practice, and any land Zabriskie acquired since his arrival, he sold to the railroad or to his associates including Albert French. In the mid-1870s, James and Adelaida, after selling all their real estate, moved to Silver City and by the mid-1880s they had established their residence in Tucson, Arizona where Zabriskie opened a law practice. They made frequent trips to El Paso and often stayed with Margarita and José María Flores in Ciudad Juárez.

Benancia Stephenson French appeared to be more astute when dealing with real estate. Perhaps she paid more attention when Juana María negotiated with workers, merchants, and renters, which occurred on a daily basis. Her husband Albert French recovered the Concordia and Bracito land at the Marshall’s public auction and returned it to the Stephenson family, but only because he married Benancia Stephenson. During the second half of the 1860s, Benancia and Albert engaged in numerous transactions involving Concordia property. For example, Henry Skillman deeded the plot he bought from Hugh Stephenson in the 1850s to Rufina and Robert Spekman after he died. The pressure on the Spekman’s to sell may have been quite intense because they released “all the buildings, corrals, and tenements, situated in Concordia Ranch” to Benancia and Albert for $1. One can conjecture that the Spekman’s were forced to return the land and perhaps received compensation without documenting it in the courts. By 1870, Benancia and Albert French had purchased most of Rancho Concordia from her siblings.

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396 EPCR, Book C, 1867.
397 Deed Records, Books F, G, and J, 1870s to early 1880s. Zabriskie sold a sizeable amount of acreage located in Ysleta to Henry Cuniffe, Louis Cardis, and S. Everett, et al. In 1874 Zabriskie and French each received $5,000 from the state of Texas for surveying services.
398 SFFP, box 5, folder 4. In his journal, Mr. Flores wrote that October 27, 1900, “llegaron del Tucson Adelaida y Mr. Zabriske.”
399 Deed Records, Book C, 1866.
including Alberto and Hugo’s interest. That year they negotiated a lease with Ft. Bliss for 100 acres at a yearly cost of $2,500, allowing the military access to all the timber and water they needed.\textsuperscript{400} Ft. Bliss remained at Concordia until 1877 then the post relocated near Hart’s Mill which situated the military closer to both the city and the international boundary.

Benancia became the landlord, realtor, and developer of the Town of Concordia. For example, in 1871 Albert and Benancia sold ten acres of land for $1,000 to Simeon B. Newcomb, which “composed of a part of Ranch Concordia.” That same year, James Buchannan and his wife Magdalena, both Mexican citizens, sold the property and buildings they owned in the town of Concordia, to Dwight and Ellen Marsh for $2,500 and in 1873, the French’s sold ninety-three and a half acres of Concordia land to John Rector for $1000.\textsuperscript{401} It is feasible that this parcel consisted of an undeveloped area. Additionally, they sold Sutter’s Trading Post and the land it sat on, to Henry Cuniffe and Innocente Ochoa, for $2,000. Sutter’s, formerly the Concordia mercantile store, stood strategically adjacent to the military hospital and the commanding officer’s quarters.\textsuperscript{402} One year later, Henry and Francisca Cuniffe, sold their half share of Sutter’s to Ernest and Cenobia Angerstein and Henry Lisinsky for $4,000. Angerstein had been a resident of Chihuahua since the Civil War broke out in the area in 1861, and after buying this land, he moved his wife and family from Paso del Norte and into the building. Ernest Angerstein’s economic success in Paso del Norte during the Civil War resulted from the help he received from his wife Cenobia’s father, Mr. Madrid, and other Mexican merchants whose contacts aided in the sale of his agricultural production to Chihuahua City merchants. In 1875, Lisinsky bought out the Angerstein’s half-share of Sutter’s and paid $1,000 for it. Angerstein lost money on this transaction since he originally paid $2,000 for a half share one year earlier.

\textsuperscript{400} Rand, 5.  
\textsuperscript{401} Deed Records, Book D, 1871.  
\textsuperscript{402} Ibid., Book C and D, 1871.
and that is not considering the improvements he made to the structure to accommodate his family.\textsuperscript{403}

In 1875, Benancia—with Albert acting as her agent—entered into an agreement with Tobias Johnson. He agreed to build “a substantial house of adobe of 3 or 4 rooms next to the fort, on 3 or 4 acres of land.” Benancia gave Tobias Johnson full use of the house and land for the period of three years, beginning July 1, 1875. After the original lease expired Tobias Johnson or his agent could rent the property from Benancia French.\textsuperscript{404} In addition, Albert and Benancia engaged in the purchase and sale of land in Ysleta and San Elizario during the land buying frenzy and they also sold numerous acres of land to the railroad. For example they paid $50 for a lot they bought from Rafael and Salome Padilla located in El Paso County. They also bought several acres located in Ysleta for $500, and for ten acres situated in the city of El Paso, they paid $1,100. Albert also paid for legal services with land when necessary. On one occasion, he compensated Charles Nordwald of Fredericksburg, Texas, with thirty acres located near the main plaza in the city of El Paso.\textsuperscript{405} Thirty acres near the main plaza, represented a great deal of prime property, one with a lot of potential during the 1870s and still prime real estate today. One can only question what kind of legal services Mr. Nordwald provided the French’s to be paid with such valuable property?

By the mid-1870s Albert French became ill and almost without warning he died in 1877.\textsuperscript{406} Nevertheless, Albert ensured that Benancia and their children were provided for

\textsuperscript{403} Deed Records, Books E and F, 1872; U.S. Government Index to Indian War Pension Files 1892-1826. Lisinsky also bought two parcels from the Angerstein’s for five hundred dollars, located in El Paso County. Angerstein must have moved the family back to Paso del Norte because government documents indicate that he died on July 4, 1875 in Chihuahua, Mexico and his widow Cenobia filed for his military pension on June 15, 1928.

\textsuperscript{404} Ibid., Book F, 1875.

\textsuperscript{405} Ibid., Books E and F, 1870-1875.

\textsuperscript{406} W.W. Mills suggests that Albert French was sent to a mental institution where he died in 1877, but there is no concrete evidence.
because throughout the years he made it a practice of transferring ownership of his belongings as he accumulated them, to Benancia. For instance, on April 13, 1867 French deeded all his household furniture and furnishings to Benancia, as well as a steam engine, for $1. Later that year, Benancia sold the engine for $8,000 and also sold six large Westport wagons including yokes, chains, and sheets for $1,200, no doubt he had deeded the wagons and equipment at an earlier time. In 1870 he deeded seven acres of land located in Ysleta to Benancia, the legal transfer read, “in consideration of the love and affection I have for my wife Benancia French and in further consideration of one dollar…do give bargain sell and release unto the said Benancia French her heirs and assigns all that undivided one half tract or parcel of land situated in the town of Ysleta.”

One of the last contracts the French’s negotiated together involved leasing fifteen acres of Concordia land to Alexander Bell and Martin Obert. Benancia agreed to lease an area “known as the French Ranch, about three miles east of the town of Franklin,” for one year---undoubtedly Rancho Concordia was renamed the French Ranch at some point. In lieu of rent, however, the lessors agreed to pay the landlord with one-third of the produce “grown and matured” including wine, fruits, vegetables, or cereals. The contract stipulated that the produce should be delivered on a timely basis and that the property be maintained in good condition; they also agreed that Benancia could enter the property at any time to inspect the grounds or for related business. This is a perfect example of an agreement between a landlord-tenant over a piece of commercial

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407 EPCR, Books C-J, 1867-1871. French bought a 14-acre parcel with Edmund Stein and he was transferring his half to Benancia. In 1867 French also received $400 from Louis Cardis for a release and quit claim deed, $100 from Henry Cuniffe for a tract situated in El Paso County, $120 from Henry Cuniffe for a parcel one mile below the city, $2,500 from Henry Cuniffe for 320 acres one and one-half miles east of the city, and $200 from I.M. Lujan for a parcel in Ysleta (the sale to Lujan was made in 1868). In addition, French was earning an income for his service in political office, he was paid weekly and reimbursed for expenses.

408 Deed Records, Book F, 1877.
property: the Landlord has the right to enter the premises, as well as demand that the Tenant maintain the property in good order, and is specific about how payment should be made.

Benancia grew up watching her parents collaborate different types of real estate deals. Like her mother, Juana María Ascárate Stephenson, Benancia learned to negotiate with workers, renters, prospective buyers, and contractors. She grew up in Rancho Concordia and knew the geographic landscape and with her experience and business sense the Concordia estate grew into a lucrative little city and political district, consisting of residential, commercial and rural zones. One year after Albert H. French died Benancia married J.B. Leahy, a politician and judge. His involvement in Benancia’s real estate business occurred almost as soon as they married, and throughout the 1880s, Benancia and Leahy sold huge amounts of Concordia land. Between 1879 and 1881 records show that the Leahy’s engaged in at least ten transactions. From 1886 to 1888, they were at the title company signing documents for land sales at least forty times. For the most part, they sold land to Anglos and bought land from Mexicans. The substantial number of real estate deals demonstrates that Concordia was in a desirable location and although it stood approximately three miles east of downtown El Paso, it attracted growth and real estate activity. From grocery stores to farmer’s markets, to a school, as well as everyday needs were accessible without having to travel into the city.

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410 Deed Record J; General Index of Deeds, to 1881; General Index to Deeds, 1886-1888. Deed Records for the years 1882 thru 1885 are not available.

411 EPCR, Binder #3 and #4, 1882-1892. Concordia was designated as school district #2 in 1892 and residents were still listed as being farmers.
In 1880 the Stephenson-Ascárate women opened Concordia Cemetery to the public and people traveled from the surrounding areas to bury their dead there. Once the community had access to the burial grounds, vandalism and neglect converted the once family-honored cemetery into an eyesore. Benancia and her sisters still owned the cemetery land, and as titleholders, they were expected to maintain the grounds, plant trees and shrubs, and provide access to water and protect the graveyard in general. The residents that lived near the cemetery complained that bodies were exhumed in the middle of the night and that trespassers were damaging the monuments, headstones, and plants. The majority of the police reports were made by the Mexican families that rented from Benancia and J.B Leahy, which put more pressure on them to address the ongoing problems. One could sense Judge Leahy’s frustration when he told a reporter that he was willing to “forgive all his tenants what they owe[d] in rents if they will only vacate.” Nevertheless, even when the Mexican residents moved out of the Leahy’s tenements, the vandalism and criminal activity continued at the graveyard.

The City of El Paso made the first purchase of cemetery land in 1883. Private individuals, organizations, the Catholic Diocese, and the city and county all bought portions of Concordia Cemetery for private and public use. John J. Mundy purchased the largest share of the graveyard and also obtained the rights to the name “Concordia Cemetery.” In one-quarter acre plot of the cemetery, located on the northeast corner of Yandell and Stevens Streets, is where Albert, Benancia, and some of their descendants are buried. This is the only portion of Rancho Concordia land that is still owned by Stephenson-Ascárate heirs. After Albert H.

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413 *El Paso Herald*, 1885; March 6, 1890.
414 Rand, Underwood, 5. The cemetery currently measures 52.473 acres in size. Margarita Stephenson Flores sold the last parcel of Concordia land in 1887; the best solution the vandalism and caretaking problem was to sell the problem that continued into the mid-1950s.
415 Ibid., 6.
French died in 1877, Benancia deeded some land and assets to her offspring and with her husband J.B. Leahy’s encouragement, she sold a significant amount of property to Anglo immigrants who acquired it mostly for investment purposes. Records indicate that the Leahy’s still owned some of the real estate that surrounded the cemetery in the 1890s, when Judge Leahy so adamantly pleaded that the Mexican tenants to vacate the dwellings.

The Stephenson-Ascárate offspring represent the first group born from the greeting generation unions that took place from the 1820s to 1840s. Although the Stephenson-Ascárate fame did not endure in El Paso’s history like the Magoffin’s, the women in particular, played a pivotal role in the continued practice of intermarriage between the El Paso and Ciudad Juárez elite and they were instrumental in the development of Concordia as a neighborhood. Anglo immigrants like Judge Leahy succeeded in El Paso County because they married Mexican women and white men profited from the social and economic networks created with the affluent from both sides of the borderlands. The Stephenson-Ascárate women along with Mexican women like Soledad Lujan Dexter, Magdalena Buchannan, Francisca Cuniffe, Juana Gillet, Cenobia Madrid Angerstein, Maria Gertrudis Váldez Magoffin, Jesusita Siqueiros Hart, Juana Márquez Dowell, and many other women that married Anglo men after 1848, had an equal say when it came to investing their money on land and other commodities, and it is clear that their husbands counted on them for financial support. The Anglo men they married advanced their personal agendas with the help of their wives’ contacts and money, and inadvertently, middle class women helped in the development of a landless ethnic Mexican community. Moreover, some individuals of Mexican heritage supported Anglo projects out of economic and political self-interests, which also served to further the land theft initiative and the displacement of entire communities.
There is a vacuum in our regional histories when addressing the lives of elite and middle class Mexican and Mexican American women and men. Primary sources have aided in piecing together the Stephenson-Ascárate family history and deed records have proved essential when attempting to intimate the lifestyles of both women and men and their behavior when dealing with money, land, and political power. Women’s contributions to the growth of this region have been glazed over by narratives that focus on the Anglo men they married and the presumed civilization process that these men helped advance in El Paso County and the surrounding communities. The Concordia Heritage Association portrays the life of Juana María Ascárate Stephenson in a limited way, and her contributions and those of her four daughters and three sons, is not shared with the visitors by the association during the walking tours. More attention is given to the Anglo women that migrated to this region and prostitution is depicted as part of a historical process that glorifies women for having engaged in that profession, while more popular “invented” topics that highlight the Wild West era take precedence when celebrating and commemorating history and historical characters on cemetery grounds.
Chapter Five

Bandidos, Outlaws, and the Law:
The Violent Western Landscape

On January 2, 1890, three Australians and their families were camped out near Márquez Canyon, about 8 miles northeast of present day City of El Paso. As the men hunted for deer, they were ambushed by a band of Mexican horse thieves. The bandidos seized the horses and murdered two of the men, while the survivors were left stranded.416 According to the El Paso Herald Post the gang of rustlers numbered seventy-five and used a ranch ten miles north of the city as their headquarters. The newspaper identified the gang leaders as Gerónimo Parra and Dolores Rico, and reported that officials suspected Ysidoro Pasos of supplying the gang with provisions, ammunition, and information as to the movement of enforcement officials along the border.417 The desperadoes were wanted for murder and rustling and reports alleged that in the succeeding days, they robbed other ranches and took hundreds of horses, cattle, and mules.

When news of the dead Australians reached El Paso, a number of El Pasoans including Charles H. Fusselman, commander of the Texas Rangers in Presidio County, volunteered to pick up the trail. The hoof marks led the group directly to Márquez Canyon where they were ambushed like the Australians and two were murdered, including Fusselman, the Texas Ranger.418 An eleven-man posse left El Paso in search of the murderers immediately after learning of the ranger’s death, while the prominent citizens of El Paso raised a reward for their arrest. The proximity of

416 Márquez Canyon was located on the east side of the Franklin Mountains, at the far western tip of the state of Texas.
417 El Paso Times, January 9, 1890 (hereinafter cited as EPT); El Paso Herald Post March 13, 1890 (hereinafter cited as EPHP). The editorial does not specify who the ranch belonged to.
418 EPHP, April 18, 1890.

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the border concerned law enforcement because the murderers could easily cross into Mexico and escape punishment.\footnote{EPHP, April 19, 1890. Criminals in general had easy access into Mexico along this section of the borderlands and crossed from the downtown bridge in the city of El Paso or through Ysleta or San Elizario.}

This scenario played out numerous times between the 1870s and the 1890s along this part of the borderlands. Short-lived resistance movements whether they were community-based or lead by social bandits, flourished on both sides of the border as waves of Anglos migrated to the borderlands and dispossessed Mexicanos of land and resources. The Mexican people became victims of conquest but did not remain passive or helpless; they were proactive in their quest for survival in a region they had inhabited for generations. Meanwhile, Anglos embarked on a racialization project to disenfranchise ethnic Mexicans of their land and civil rights and they relied on the print media, the judicial system, as well as on border vigilance institutions and extralegal forms of justice to create a landless, segregated, laboring class. Discussing resistance movements or mini revolutions fills in the gaps of scholarly and popular histories and is a process that gives voice, words, and presence to people that have been erased from borderlands history.

After conquest, ethnic Mexicans, sometimes as a community, in groups, or as individuals resisted Anglo subjugation and disputed the unfulfilled Treaty of Guadalupe obligations. Mexicanos were blamed for smuggling activity, theft, murder, or lawlessness occurring along the borderlands, and soon after contact, they were identified as bandidos.\footnote{Frank Luis Halla, Jr., “El Paso, Texas, and Juárez, Mexico: A Study of a Bi-Ethnic Community, 1846-1881” (The University of Texas, Austin, 1978), 45. This work does not deal with Indian depredations given that they rarely entered into the commercial districts and its surrounding communities. In El Paso County, there are recorded complaints of Indian rustling and destruction of property from the wealthy, including Hugh Stephenson and James Magoffin. Nevertheless, Indian attacks, murder, and the taking of captives occurred in the frontier zones and the victims were those traveling from east to west and in the unpopulated areas of the Chihuahua Trail, which included Mexico. Indian mobs truly represented a cross-border initiative where they crossed back and forth attacking travelers and enforcement groups from both countries and without prejudice.} Eric Hobsbawm, a noted historian, traces the origins of social banditry and establishes that universally, social
bandits emerged in 1880. Hobsbawm observes that bandits were not petty criminals, but rather individuals that lived within a communal or rural society. They were, 

peasant outlaws whom the lord and state regard as criminals, but who remain with peasant society, and are considered by their people as heroes, as champions, avengers, fighters for justice, perhaps even leaders of liberation, and in any case as men to be admired, helped and supported. [They differed from the] rebel, outlaw, and the common robber, or from communities for whom raiding is part of the normal way of life.421

Bandits resisted conquest and oppression, and their opposition usually intensified under extreme economic decline as well as due to forced changes to their social structures.422

Along the borderlands, social banditry and resistance movements or “brushfire wars” occurred immediately after 1848 in some regions. It challenges Hobsbawm’s time frame, but the behavior and circumstances for the rise of banditry were existent. For example, Tiburcio Vásquez was a young man living in California when the U.S. invaded Mexico. He witnessed as members of his family were murdered by the invading army and as soldiers sexually abused his sisters and other young women. Vásquez hated Anglos and their corrupt ways and he embarked on a spree of crime, murder and revenge as a result of the violent invasion.423

In Tiburcio Vásquez’s case, he became involved with the Anglo element. He engaged in criminal activity that included robbing trains, businesses, and even people on street corners, and he still killed many Anglos. Although Vásquez displayed characteristics that Hobsbawm attributes to a common robber, sometimes bandidos were forced to defend their rights and eventually broke many laws. Nonetheless, Californianos embraced him as a hero and “he became a symbol to the Chicano community as someone who resisted the conquest and who

422 Ibid., 19-22
423 John Boessenecker, *Bandido: The Life and Times of Tiburcio Vásquez* (Norman: University of Oklahoma Press 2010), 32-69; Manuel Callahan, “Mexican Border Troubles: Social War, Settler Colonialism and the Production of Frontier Discourses, 1848-1880” (University of Texas, Austin, Ph.D., 2003), 5. Callahan defines conflicts between Mexicans and Anglos as brushfire conflicts, “uncomplicated, sporadic, and unorganized resistance, a bi-product of inevitable processes of political consolidation and capitalist incorporation.”
created fear in the Anglos.” Vásquez gained the respect of the Mexican people who provided him with food, shelter, weapons, ammunition, and intelligence. 424 Similarly, Joaquin Carrillo Murrieta fell into a life of crime after witnessing the lynching, murder, and displacement of hundreds of Mexicanos during the Gold Rush, and personally experienced flogging by Anglos who also robbed him of money and land. Murrieta gathered seventy men and together they rustled, robbed and murdered Anglos. Bandidos eventually became wanted men and they were usually hunted down like animals and killed. Vásquez endured for twenty-seven years as a rebel before the law hanged him, while Murrieta was gunned down by a California Ranger after two years of lawlessness. Vásquez and Murrieta may have deviated from their plight along the way, but they are nevertheless recognized by the Chicano/a community as folk heroes and avengers of injustice and as Hobsbawm put it, their violent actions “did not make banditry any less of a historical force.” 425

Before banditry escalated into a crusade to kill Anglos, collective community resistance movements were more prevalent. Countless short-lived skirmishes were waged by communities against Anglos throughout Texas, New Mexico, and California from the 1850s to the 1870s. In south Texas, a number of clashes ensued over issues of land, resources, and trade practices, and due to racial tensions. Among some of the more prominent conflicts were the Merchants War (1851-52), the Callahan Raid (1855), the Cart War (1857), and the Cortina Raids (1859-60). Collective struggles were categorized by U.S. officials as “Mexican border troubles” and

424 Pedro Castillo and Albert Camarillo, eds., Furia y Muerte: Los Bandidos Chicanos (Los Angeles: Aztlán Publications, 1973), 15-28. Bounty hunters caught Tiburcio Vásquez in 1874 and he was hanged in 1875, after the courts found him guilty of murder, robbery, and many other crimes.
425 Castillo and Camarillo, 37-48; Hobsbawm, 29.
authorities counted on a limitless reserve of Anglo lawmen—rangers, the military, deputies, possemen, and paramilitary groups—to suppress insurgencies. 426

Numerous factors incited community resistance and social banditry. Some of the main disputes dealt with the animosity that Mexicanos and Anglos harbored over racial and cultural differences as well as the greed demonstrated by Anglos over the natural resources, including salt, water, timber, and clay, and land. Capitalist practices of converting communal land and resources into saleable commodities provoked many community-based movements. In addition, the blatant use of force or frontier justice created an environment along the borderlands that historian Manuel Callahan defines as an “economy of violence.” 427 For example, El Paso pioneer James Magoffin acquired an interest to the San Andrés Mountain salt lake in New Mexico and he attempted to levy a tax on the inhabitants that extracted salt. On December 1853, Magoffin and his mob, consisting of Anglo friends and Mexican workers living in Magoffinsville and Rancho Concordia, ambushed a large group of salt carters leaving the San Andrés mines.

Local historian Rex Strickland suggests that Magoffin obtained weapons to arm his men from the commanding officer at Fort Bliss, quartered on his property, and that part of the arsenal included a howitzer. The posse waited for the convoy at the Chinos watering hole (just north of the mountains) and as the salineros arrived to rest their animals, Sheriff Snyder approached them and informed them that they “must pay fees for the salt they were carrying and in the future they should obtain a license from Magoffin before they so much as went to San Andres.” The men reminded the sheriff that he had no jurisdiction in New Mexico and apparently laughed at him. Shortly after Snyder retreated in ridicule, the posse fired shots at the salineros, and since they

426 Dennis J. Bixler-Márquez, et al., Chicano Studies: Survey and Analysis (Dubuque: Kendall/Hunt Publishing Company, 1997), 133-4; Callahan, xiii.
427 Callahan, 10.
were unarmed, the men fled for safety abandoning their oxen, carts, and salt. Magoffin and his men carted the booty back to El Paso where the men boasted of their triumph at the Chinos watering hole that they described as the “battlefield,” while Magoffin felt assured that the salineros would not dare take salt in the future without paying the required fees.428

Days later the neighboring New Mexico communities united and planned an attack on Magofinsville in retaliation to the infringement of their rights, armed assault and theft of their belongings. Anglo politicians from New Mexico managed to prevent the counter attack by persuading Magoffin to return the animals and carts to the salineros and to allow them free access to the mines.429 Anglo and Mexican men from Magoffinsville and Rancho Concordia participated in this raid, which indicates that Hugh Stephenson may have been aware of the attacks made on the salt carters. Hugh only waited until the U.S. invaded Mexico to change his behavior and proceeded to encroach on land and resources and he aided his compatriots when they needed help with manpower, lodging, and by purchasing their goods. Nonetheless, attempts by Anglos to appropriate the salt beds resulted in the El Paso Salt War in December 1877, which was a violent altercation between ethnic Mexicans and Anglos over natural resources. Residents from both sides of the river made two or three trips a year to the Guadalupe Mountain salt lakes; they extracted enough salt for their personal use and sold or traded the surplus. Attempts had been made by Anglo investors since the 1850s (as demonstrated by James Magoffin) to claim the community salt beds as private property and levy a duty on salt per bushel. These efforts had largely been ignored by the people who continued to exercise their

428 Rex Strickland, El Paso in 1854 (El Paso: Texas Western Press, 1969), 30-32; Halla, 162. Among the men accompanying Magoffin on December 1853 were Samuel Magoffin, Frederic A. Percy, William “Bigfoot” Wallace, Jeremiah Snyder (El Paso County Sheriff), Gabriel Valdez, Jaime Loya, Pedro Corona, William “clown” Garner, and John Reams, Jr. (a total of eighteen Americans and ten Mexicans). The Salina de San Andrés represented the most valuable of the lakes in New Mexico due to its high sodium chloride content.
429 J.J. Bowden, “The Magoffin Salt War” 95-108
legal rights over the salt.\textsuperscript{430} An examination of the circumstances leading to the salt war suggests that free access to the mines comprised one reason for the war; another dealt with access to water and other resources and due to Anglo greed and corruption, and a third dealt with a power struggle between Charles Howard and his allies and Louis Cardis, an Italian immigrant, who sided with the Mexican people and their cause.\textsuperscript{431}

Charles Howard had promised San Elizario residents continued entitlements to the salt without paying a tax in exchange for their vote. After Howard won the election, however, he filed a deed and claimed ownership of the salt lake and subsequently levied a tax on anyone wanting entrance to the beds.\textsuperscript{432} Although Howard posted a “no trespass” sign on the lakes property, in defiance of the power Howard exerted over the resource, two Mexicanos accessed salt without paying the tariff and were arrested and fined $200 each. Farmers from both sides of the river were infuriated by Howard’s actions and called a meeting with Cardis to discuss a plan of attack. Between two to three hundred armed Mexican and Mexican Americans apprehended Howard and several of his associates and demanded that he relinquish his rights to the salt mines and that he permanently leave the tricommercialized zone.\textsuperscript{433} Howard agreed to their demands perhaps since he was outnumbered; however, his allies were incensed by the actions the Mexicans and Cardis took against them. Anglos in power “warned that Howard’s loss portended forfeiture of the property of all white men for the sake of a lot of greasers and blood-thirsty

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\textsuperscript{430} Halla, 218-19. In 1866 Samuel Maverick of San Antonio filed the first claim to the salt deposits followed by W.W. Mills who allied with Charles Howard, Ward Blanchard, surveyor, and James Zabriskie, attorney. In 1871, James P. Hague, district attorney of El Paso gave consul to investors on how to obtain all certificates necessary to acquire the salt beds and charge for its extraction.


\textsuperscript{432} Mario T. Garcia, Desert Immigrants: The Mexicans of El Paso, 1880-1920 (New Haven: Yale University Press, 1981), 156-7; W.H. Timmons, El Paso: A Borderlands History (El Paso: Texas Western Press, 1989), 165-6, 174. Timmons indicates that there were almost two hundred Mexicans from Mexico that participated in the insurrection, however, Garcia does not concur with that data.

\textsuperscript{433} The tricommercialized zone consisted of the area from Las Cruces, New Mexico to Paso del Norte (Ciudad Juárez) and points in between.
Mexican mobs,” and complained that the U.S. government was not doing enough to permanently stop the on-going Mexican border troubles.\textsuperscript{434}

On October 1877 Howard returned to El Paso escorted by the U.S. military and prepared to reclaim his authority over the salt beds. Soon after Howard arrived, he went to Solomon Schutz’s store and encountered Cardis, and without hesitation, shot and killed him. Cardis’ death proved to be the breaking point that led to the bloody confrontation given that no charges were filed against Howard and because farmers from both sides of the Río Grande depended on Cardis’ support. He had more persuasion as a foreigner than they did as legitimate citizens even if they had strength in numbers. Therefore, by garnering support from an Anglo, the possibility of preserving their rights to the salt supply and other resources was palpable.

The battle ensued between Mexican and Mexican Americans on one side and Howard, the local law enforcement, Texas Rangers, U.S. troops, and posse from New Mexico on the other, who vowed to kill those “Mexican sons of bitches.” War broke out with a vengeance on December 1877 and Howard and several of his allies were killed as well as a number of rangers and posse. Some accounts suggest that the New Mexico posse pillaged, destroyed property, and murdered many innocent Mexicanos from the surrounding communities. While other accounts suggest that Mexicanos rather than Anglos looted the area and took jewelry, clothing, and furnishings, and that Anglos were the principal victims of the “race war” since they lost an estimated “$30,000 in goods and money which were ultimately carried off to Mexico.”\textsuperscript{435} There is no data that substantiates these allegations, however.

In the days that followed state officials assigned a congressional committee to investigate the incident. Anglo witnesses claimed that the hatred that Mexicanos harbored toward whites

\textsuperscript{434} Halla, 220-8.
and the disputes with U.S. authorities over land and its resources motivated the uprising. The investigation proved that Anglos were troubled by the disrespect they received from the Mexican people for their efforts to establish American practices and the English language. Letters submitted by Anglos reported that they frequently heard Mexicans shout out “Death to the Gringos” or “Death to the white men [who]…try to uphold the laws of the State of Texas or of the United States.”

The committee did not document any statements made by Mexican witnesses or by any Mexican participants in the salt war, therefore, whatever conclusions and recommendations made by the commission were one-sided.

Hence, government documents regarding the El Paso Salt War are constructed to reflect a dominant point of view. The scarcity of sources creates silences and limits when engaged in producing history and sometimes narratives that attempt to include minority voices could be deemed as not credible particularly since resistance was presumably nonexistent when the Army of the West marched into New Mexico in 1848. Our history books have taught us that no blood was shed when the U.S. invaded Mexico but rather Nuevo Mexicanos cheered-on as the army and the caravan of neutrals inundated the community. Even when facts are abundant, historians can deny or obliterate aspects of a historical event because they do not think those facts are that important or they raise questions about those facts.

For example, when Magoffin attacked the salt carters at the San Andrés salt mine part of his posse consisted of Mexican men that worked for him and for Hugh Stephenson. Why were Mexicanos willing to attack and even kill other Mexican men that they may have known or even known members of their families? Did Mexicanos agree with Magoffin and the invading Anglos that endeavored to convert communal resources into a commodity for monetary gain? Dr. Rex Strickland suggests that ten Mexicans

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436 Bixler-Márquez, 135-6.
participated in the attack, is this information accurate and who can question Strickland’s power as an academic and professor of the University of Texas at El Paso?

Even so, the El Paso Salt War represented one of the most violent incidents in this area between Anglos and Mexicanos from the time of the U.S.-Mexico War to Pancho Villa’s raid on Columbus, New Mexico. After the salt war, Anglo leaders insisted that the general conditions required that a permanent military force be assigned to El Paso, although except for 1861-2 when the Confederates seized and occupied Ft. Bliss and from 1876-1877, the military had been a constant presence in El Paso since 1850.\textsuperscript{438} The salt war also proved that the conterminous circumstances created with conquest extended into the social and economic spheres. People had extended familial ties that spanned for generations and the border had little significance for the salt carters for example, who crossed the Río Grande and made their semi-yearly trips to the lakes, as they had done since the colonial period. Dispossessing people of their land forced hundreds of Mexicans to migrate to Mexico which divided families geographically; however, their ancestral ties were never severed. Community upheavals involved large numbers of individuals and many times more than one community, which is the case with the El Paso Salt War; however their behavior and beliefs were similar to that of social bandits. They fought to preserve tradition and they were forced to go outside the law to protect their rights and resources that were legitimately theirs under the Treaty of Guadalupe Hidalgo.\textsuperscript{439} Further, along the borderlands no individual of Mexican descent should be considered an immigrant given the long history of contiguous existence. Commerce, culture, and language—both English and Spanish—continue to traverse effortlessly from one side to the other and only permanent border vigilance and a protruding steel wall has restrained the natural flow of people.

\textsuperscript{438} In 1853 the military moved from Frontera where it was first garrisoned, to Magoffinsville, where it was named the Post of El Paso and it remained there until 1861.
Ethnic Mexicanos were forced into banditry due to the limited socioeconomic opportunities and the denial of their civil rights. They did not aspire to become bandits or engage in criminal behavior given that becoming a fugitive from justice became a virtual death sentence. Bandidos had no life, no home or family they could rely on without jeopardizing their safety, and their existence consisted of hiding from the law, killing lawmen or being killed by them.\textsuperscript{440} In addition, the local press sought to encourage posse and mob activity and in their columns they incessantly reminded its readers of the threat Mexican criminals posed to white society and its progress. Thus, the newspaper served as the “extralegal arm of the [Anglo] community’s interest.”\textsuperscript{441}

Newspaper editors reveled in their power and the contents of any editorial that dealt with Mexican lawlessness were usually sensationalized to attract readers. Any crimes in which Mexicanos were alleged to be the perpetrators were first tried by the press and at times convicted the suspect before the case went to trial. On a daily basis, newspapers constructed images of ethnic Mexicans as degenerates and even in everyday occurrences their behavior is portrayed as shameful and deplorable. The examples below demonstrate how the media aided in the social marginalization of people of Mexican descent:

A drunken Mexican woman at the Southern Pacific depot yesterday attracted no little attention, on account of the efforts of a drunkenman [sic] to get her on the train.\textsuperscript{442}

A free fight occurred near the street car stables early yesterday morning among a number of Mexicans who had been to a grand baile on Saturday night in the vicinity. Police officer Riveroll had his gun taken away from him during the trouble. \textsuperscript{443}

\textsuperscript{440} Hobsbawm, 29.
\textsuperscript{442} EPT, April 10.
\textsuperscript{443} Ibid.
There is a tequila joint on the Stanton Street car line near Second Street which should be abolished. Every Saturday night a gang of Mexicans congregate there, and are still drunk and full of profanity on Sunday morning.444

After the dance was over on Saturday night at a Mexican baile, near the Street Car stables, one of the men got badly stabbed in the back and had his cheek cut open so as to expose the jaw teeth. He charged another man with the crime and had him arrested, when a woman came up and stated that she did the cutting, as the man had come into her room uninvited. The woman was arrested also, and the case comes up to Justice McKie’s court this afternoon.445

Chief Lyons has his eye on a colony of Mexicans, who live in the lower part of the city and who do nothing for a living. They loaf around all day and rustle at night. He lost all his chickens last night, and he thinks it is one of this gang who did the stealing.446

According to historian Mario T. García, large numbers of ethnic Mexicans lived in the City of El Paso, and they were unemployed and homeless. Subsequently, they engaged in petty crimes that included smuggling, theft of food, and the illegal sale of liquor. Mexicanos were also criminalized for vagrancy, using abusive language, and fighting, and according to the editorials, for public intoxication. These articles truly created a mental picture of ethnic Mexicans as racially inferior and deficient in everyday social skills.447

When bandits killed Ranger Fusselman in Márquez Canyon, the local press expressed its horror over his death at the hands of Mexican desperadoes. The reporter demanded that “companies of rangers should be stationed along the border with stations not more than 15 or 20 miles apart, so that the line could be thoroughly patrolled and their presence would prevent bandidos from escaping into Mexico without due process of law.”448 The press strongly

444 EPT, April 4.
445 EPHP, March 10, 1890.
446 Ibid., May 31.
447 García, 146; El Paso County, Texas Criminal Court Records (hereinafter EPCCR), MF524, 1890, University of Texas, El Paso. Records indicate that prior to 1890 punishment for theft of food was one year in prison with hard labor.
448 EPHP, April 19, 1890.
encouraged a posse to follow the trail of the rustlers that killed the ranger and the El Paso Herald wished them a safe return,

A small posse in which were deputy U.S. Marshal Ross, deputy sheriff Dick Blacker, John Sillman and others went out yesterday on what was considered a good clue to arrest the horse thieves and murderers of Sergeant Fusselman. Up to the time of going to press the party had not returned, nor has any word been received from them. The Herald wishes their success in their mission. 449

A mob of undeputized men also picked up the trail and as the editor reported, they were “hunting on their own hook,” which met with the Anglo community approval. 450 In El Paso, due to its geographic and economic significance, lynchings were not common; however, mob violence, terror tactics, murder deemed as self-defense, as well as discrimination and racism were modes practiced by the Anglo community.

In the days that followed the murder of Ranger Fusselman officials terrorized the Mexican community that lived along the Franklin Mountains. Newspapers reported that some families were suspected of aiding the horse thieves because, as the homes were searched, they found a considerable amount of beef. This is an indication that perhaps social bandits were helping feed the Montoya area families and in turn, the community protected them, some of which could have been relatives. 451 Officials forced the Montoya community to evacuate and the Herald stated that “all the Mexican residents of that locality have moved with their sisters, cousins, and aunts in obedience to the command to vacate made by the officers a few days ago.” They left in April 1890, and in June, the media informed its readers that the Mexican community had returned. 452

Out of the seventy-five bandits that the media reported had attacked the Australians and killed the ranger, seven were apprehended. Court records indicate that José Ruíz and Gilberto

449 EPHP, April 29, 1890.
450 Ibid., May 2, 1890.
451 Callahan, 71-4.
452 EPHP, April and June 1890.
Quintana were found guilty of horse theft and sentenced to five years in the state penitentiary while a third individual was sentenced to six and one-half years. The courts did not find sufficient evidence to convict those apprehended for Ranger Fusselman’s murder, however.¹⁴⁵³ Márkos Durán and his mother Mrs. Acosta, arrested when she went into town in search of her son, were sent to a lower court and charged with “violating the ordinance in relation to hides and slaughtering of cattle,” and each fined $40 and released. The arrest of Mrs. Acosta also suggests that women were not just victims of rape, but rather active agents in the brushfire wars and the ongoing resistance movements against Anglo abuses.¹⁴⁵⁴

Further, officials detained Daniel Terrazas for suspicion of murdering Fusselman but they never officially charged him and later released. Gerónimo Parra, the accused leader of the group, was serving a seven-year sentence in the Santa Fe prison for burglary that he presumably committed after the Fusselman incident at Montoya Canyon. Captain John R. Hughes of the Texas Rangers learned that Parra was held in New Mexico and had him released to Texas authorities. Hughes had vowed to bring Ranger Fusselman’s murderers to justice and on January 6, 1900. Hughes watched as prison guards legally hanged Parra in the gallows, but not before Parra launched out of his cell and stabbed two Anglo police officers with a dagger in the stomach.¹⁴⁵⁵ Records regarding Dolores Rico, the other presumed gang leader, or Ysidoro Pasos suspected of providing intelligence and shelter to the bandits, are unavailable.

By the time the railroad reached the tricommercialized zone, Mexicans had been dispossessed of their lands and the region’s natural resources had been successfully privatized. In this sense the arrival of the railroad marks a watershed in the Anglo racialization process.

¹⁴⁵³ EPCCR, Cases 1121 and 1155, 1890.
¹⁴⁵⁴ EPHP, April 3, May 31, 1890; Cases 1109, 1121, 1151, 1890. Mrs. Acosta was the wife of one of the men believed to have murdered the Ranger.
given that entire communities were left homeless, and those that challenged repatriation efforts were forced to live in segregated sections of the county, on land now owned by Anglos. The ones that managed to preserve ownership of their lands were in dire need of water, the crops were failing in towns on both sides of the river, and people were in the verge of starvation.

These circumstances triggered small-scale revolts against Anglo hoarding of water. An article in the newspaper *Thirty Four* stated that,

> A party of armed Mexicans are expected from Socorro and San Elezario [sic] daily to break up the dam in the river near Hart’s Mill. This dam is absolutely necessary to the irrigation of land cultivated in this vicinity; and if the Mexicans do come you may look out for war news.  

Water problems originated with the first settlements in the 1850s and escalated with each wave of Anglo settlers. They built dams to guarantee water for their use and production, like Simeon Hart did when he established the mill by the Río Grande, which severed the flow of water to the down-river settlements, including Ysleta, San Elizario and Socorro and Guadalupe and San Ignacio, established south of the river to accommodate the hundreds of Mexicans forcefully repatriated. The editor of the newspaper *Thirty Four* urged Mexican farmers to write to their representatives in Congress or to circulate a petition in hopes of rescuing “millions of acres of the finest land in the world” from deterioration due to lack of water. Clearly the editor perceived the senseless corrosion of land as a result of water hoarding. The water situation exacerbated when leaders converted El Paso into a train terminal and service station, where train cars were washed and boiler water made available for trains arriving from every direction, and at a low cost.

Local historians place the arrival of the railroad as a turning point in El Paso’s local history. It gained prominence as a borderland city, which purportedly “surged from an obscure

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456 Thirty Four, March 24, 1880.
desert town to an instant city.” As argued throughout this work, an early capitalist system developed in this region as a result of the Camino Real trade routes or Royal Roads. Once convoys reached the tricommercialized zone, Rancho Concordia served as a station for all commercial traffic passing through from every direction and merchants supplied merchants with fruits, vegetables, wine, and other locally grown goods. Mexican merchants were weathered, long-distance traders and proficient in financing, wholesale and retail, construction, manufacturing, and production; they were familiar with every facet of a business-oriented community. The idea that El Paso became an instant “civilized” city overnight with the arrival of Anglos and the railroad is a historically outdated and short-sighted belief.

Nevertheless, during the 1880s the region experienced a paradigm shift in its economic structure. El Paso had always been a commercial center of international importance and agricultural production and ranching were its major exports, after the 1880s, production as well as construction, manufacturing, smelting, and other industries were generated at a larger scale. The railroad transported the goods and raw materials to other parts of the U.S. and to Mexico, at a much faster speed; nevertheless, the railroad changed the system of transport and production throughout the United States not just in El Paso, Texas. In addition, contract labor became a big industry within itself in the El Paso/Ciudad Juárez border, and although the U.S. government prohibited contracting undocumented immigrants or foreigners, powerful businessmen found ways to evade that law. Trains assisted in the transfer of young, able-bodied workers.

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458 García, 2.
460 Garcia, 52-4. In 1885 the Alien Contract Labor Law prohibited the “importation and migration of foreigners and aliens under contract or agreement to perform labor” in the United States. This law was passed three years after the 1882 Chinese Exclusion Act, which banned Chinese immigration.
throughout the U.S. to fill the labor demands created by industrial growth and with no means of support Mexican men and women demonstrated a willingness to work for a low wage.\textsuperscript{461}

Moreover, local, state, and federal governments established permanent institutions to guard frontier zones. Texas Rangers and the military were two of the more powerful and ubiquitous of the institutions during the 1880s and 1890s. The rangers in particular represented the Anglo icon of law and order; however, for the Mexican people they symbolized racism, discrimination, and injustice, and as a result of sporadic warfare waged by the rangers against bandits and outlaws, the civilian populations were usually victims of cross fire.\textsuperscript{462} Clandestine vigilantes were also prominent along the northern borderlands, and in the early 1900s, the U.S. government created the Border Patrol to prevent “illegal crossings” into the United States. No actual barriers or obstacles existed between both countries at the time, other than just the river, therefore, the differences between cultural practices and Anglo racism and expansionism largely created the hostile environment at the border.

A thorough analysis on border vigilance is offered by Historian Miguel Antonio Levario. He asserts that the militarization of the borderlands intensified in the 1890s, after Anglos realized that although their laws and practices maintained Mexicanos subjugated and marginalized, the Mexicano presence and its dominant culture continued to overshadow their own. Unless they monitored the flow of people, goods, and criminals along the borderlands, the “social, political, and cultural fabric of white America” would not survive. The Mexicano threat incited the

\textsuperscript{461} García, 83-7. There were other historical forces that prompted the diaspora of ethnic Mexicans to the U.S. One major force was the displacement of Mexicanos by the Díaz Regime, which incited their migration to northern Mexico and into the U.S., creating an ample source of cheap labor.

militarization of the border, and at that defining moment, the Mexican people became the “enemy.”

Nevertheless, Anglo groups also relied on cross-border movement to defy the law. Anglo vigilantes, outlaws, filibusters, and paramilitary factions benefited from the easy access to Mexico. For example, cattlemen that were allegedly victims of rustling would chase Mexican thieves into Mexico to retrieve their cattle, and in the process, they carried back every unbranded head they could find and they did not face persecution when they crossed back. These ranchers may have been victims of banditry, but once on Mexican soil, they became thieves and rustlers themselves and later profited from the sale. Paradoxically, bandits relied on the border economy to sell the horses, cattle, and goods they stole from Anglos except Mexicanos were punished for doing so. According to Hobsbawm social bandits were indigenous to the region and were dependent on the production of the land for subsistence. When Mexican bandits rustled or robbed and sold the booty, they did so to feed their families, which is why they gained the community’s approval. This is one factor that distinguished Mexican bandidos from Anglo rustlers and outlaws.

Moreover, Anglo filibusters were the biggest threat to Mexican communities south of the river. Large numbers of Anglo factions conspired to cross the Río Grande and stake more claims on Mexican soil. Historian Joseph A. Stout places emphasis on the filibustering expeditions carried out by Anglos that departed from north of the border. These expeditions consisted of men from diverse backgrounds, some were adventurers seeking free land and wealthy Mexicanas

464 Dale F. Beecher, “Incentive to Violence: Political Exploitations of Lawlessness on the United States-Mexican Border, 1866-1886” (The University of Utah, Ph.D., 1972), iv-5, 20. The South was still depressed economically, and smuggling and other illegal border activity helped strengthen the domestic economy.
to marry, others were Anglo racists who believed they could reform Mexican society, while many other Anglos, were expansionist that believed the U.S. should extend its borders across the river acquire more Mexican territory and gain full control of the Rio Grande and the water supply. Numerous filibuster expeditions were organized throughout the borderlands, from California to Texas, many never made the trip across to Mexico while those that did crossed illegally and at the same time engaged in trafficking of American made goods and weapons.\footnote{Joseph A. Stout, Jr., \textit{Schemers & Dreamers: Filibustering in Mexico 1848-1921} (Fort Worth: Texas Christian University Press, 2002), iv-xvii. Stout determined that filibuster expeditions consisted of “groups organized in the U.S. that were comprised of a large number of or a majority of United States citizens whose aims were to establish themselves permanently in Mexico were basically filibustering expeditions, as were those groups the Mexicans believed to be freebooters, whether led by \textit{gringos}, Mexicans, or individuals from a third country.”}

Although Mexican citizens complained of the filibustering activity, U.S. authorities usually denied that they occurred or were being planned. On the contrary, officials often suggested that the filibusters were carried out by Mexicanos who crossed from south to north.\footnote{Ibid., 56-61.}

The Hayes administration pressured President Díaz to patrol its southern border, which allegedly thrived with lawlessness. U.S. politicians argued that the political and social unrest in Mexico spilled across the border, leaving the northern borderland communities to deal with criminals. An “executive agreement” made between the U.S. and Mexico authorized enforcement groups to cross the international boundary when in pursuit of bandits or Indians, under the condition that these groups go across in unpopulated frontier zones. The agreement was “officially” practiced from 1882-1885, and again in 1892 and 1896, however, it took place mostly unilaterally, from north to south. To further appease the U.S. and establish favorable diplomatic and economic relations, Porfirio Díaz ordered an end to “bandidaje” along the southern borderlands. As a result, hundreds of Mexicans and Indians were murdered by \textit{federales} (federal police) in cold
blood (*ley fuga*), while many more were lynched, and if captured, they were imprisoned for life. Mostly they were killed.⁴⁶⁸

In El Paso, a newspaper report provides some evidence that perhaps small-scale filibustering expeditions were occurring from south to north. On one occasion, ten Mexican nationals crossed to El Paso and gathered on property belonging to Major Rand located in the “Cotton addition.” The men were preparing to divide the area into lots when Major Rand inquired as to what they were doing and where they were from. According to the *El Paso Times* the leader responded that they were from Mexico, just south of the river, and they were there to measure off land which rightfully belonged to them. Rand pursued his inquiry and asked if they had applied to the courts to get possession of the land, and in response the leader said, “No I do not recognize the authority of your courts in this matter. In 1848 this land was south of the Rio Grande, which has since changed its channel. I have paid taxes on it in Chihuahua.” The major, apparently alarmed at this point, threatened to “shoot down every scoundrel of you if you attempt to proceed any further.” He ordered a “servant” to go find the police, but before enforcement officials arrived, the men crossed back to Mexico. The Mexican leader, however, advised Major Rand that they would return with “force sufficient to go ahead and take possession of the property.”⁴⁶⁹ This incident is very telling of the raw emotions that were still prevalent in 1890. Mexicanos knew they had been robbed of their land and in a moment of courage, several men crossed into El Paso and attempted to reclaim what had belonged to them in the not too distant past.


⁴⁶⁹ *EPT*, January 1, 1890. Another example of how the print media determined racial differences by utilizing words like servant.
The size of the groups comprised the primary difference between Mexicano and Anglo filibusters and how well armed they were to carry out warfare against another country. The Mexicanos that crossed into El Paso numbered ten. They left before the police arrived which indicates that they were not prepared to have an armed confrontation, they only wanted to reclaim their homestead. Conversely, some Anglo expeditions numbered up to three thousand. In one foiled plot a group of Americans presumably wanted to aid Sebastián Lerdo de Tejada in his efforts to keep Porfirio Díaz from taking control of the government. The filibusters made plans to cross into Mexico:

Eighteen hundred men in San Francisco volunteered to join the effort. Local newspapers suggested that ultimately 3000 men would be involved. The plan called for more than 1000 of the men to sail to Guaymas and capture the port city, while another 500 would gather at Fort Yuma and from there attack overland into northern Sonora. An additional 500 men from El Paso would attack Chihuahua City. As Mexico had no more than 500 poorly armed federal troops stationed along the frontier, success seemed plausible.470

In general, filibustering expeditions occurred since the annexation of Tejas y Coahuila in 1836. In 1841, Texas colonists journeyed to New Mexico to carry out a filibuster but failed in their attempts and were taken prisoners by Mexican troops. After the U.S.-Mexico war, however, Anglo sights extended across the Río Grande into Baja California, Sonora, Chihuahua, and Tamaulipas. Rumors within the political circles suggested that Americans wanted to start another war with Mexico, mainly to acquire more territory, demonstrating that Anglo Americans never wavered from their conviction to create a landless people.471

Nevertheless, filibustering is basically another word for outlawry. Outlaws, like social bandits evolved with social, cultural, and economic change. Settlement patterns, commercial growth, and industrialization drew lawlessness as well as corruption and greed to the borderlands. According to historian Frank Richard Prassel, “the nation’s most notorious criminal

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470 Stout, 71-2.
471 Ibid., ix-xvii.
class consisted of skilled craftsmen…they were sophisticated, successful, and wealthy, with proven abilities to avoid and frustrate agencies of justice.” Rangers, vigilantes, filibusters, and politicians were among the respected, educated, and powerful, yet their behavior could be described as lawless, except they were either sanctioned by the state or the state denied that such activity was taking place.472

Albert H. French and James A. Zabriskie were among the more influential of the politicians that arrived in El Paso just before the end of the Civil War. They associated with the reputable Anglo El Pasoans that made their way back to the region after the war, and together they established Anglo law. They assumed control of commerce, the mail service, local businesses and the military. Although local historians claim that outlaws and the idea of western violence originated in 1880s with the advent of the railroad, French and Zabriskie and numerous of their associates and law enforcers often engaged in shootouts in El Paso streets years before the rails reached the region.473 For example, a gunfight ensued between Judge Clarke, attorney B.F. Williams, and attorney A.J. Fountain, over election results. A heated discussion between the three turned deadly when Williams shot and killed Clarke. A posse that included French and Zabriskie watched the confrontation and after Clarke fell to the ground, French shot Williams twice and killed him.474 French and Zabriskie were married to Stephenson-Ascárate women and one wonders what Benancia and Adelaida’s views were about their gun-toting Anglo husbands who were killing educated Anglos in cold blood rather than arresting them?

Often, enforcement officials engaged in shootouts to avenge a friend or an associate’s murder. Marshall Dallas Stoudenmire known to outdraw and outshoot anyone, engaged in a feud

474 White, 90-2; Halla, 142-6. B.F. Williams owned 3331.25 acres of the Ascárate Grant after Horace paid him with land for legal services. What happened to this land after his death?
with the three Manning brothers—Frank, James, and George. Stoudenmire had already shot and killed Mr. Campbell, Mr. Hale, and Mr. Johnson, plus one innocent bystander in the legendary “Four Dead in Five Seconds” shootout within a few months of arriving in El Paso. His intentions were to kill the three Manning brothers for allegedly killing Stoudenmire’s good friend Doc Cummings in front of the Manning Saloon on El Paso Street. Stoudenmire agreed to have a drink at the Manning Saloon with the three brothers and they signed a peace treaty. The situation deteriorated after a couple of shots of pass whiskey (brandy) and George and Dallas reached for their guns. George wounded Dallas and they fell into a wrestling match while the others watched, until James killed Stoudenmire. Both James and George were tried separately for murder and were later acquitted. The Four Dead in Five Seconds encounter has been interpreted by the troupe Six Guns and Shady Ladies as having taken place between a posse of Mexican Vaqueros on El Paso’s streets and this interpretation has been legitimized by the True Texas Magazine as a factual event in El Paso’s history (see Chapter Six). This is one example that demonstrates how the power of the historian and its selective use of archives, or its rejection of certain sources, can determine the outcome of acceptable history.

It is difficult to determine differences in behavior between Anglo businessmen, professionals, outlaws, and the law. They all displayed a sense of entitlement and many times they engaged in shootouts with each other and the majority of the time they escaped legal persecution. In some cases, sheriffs and deputies were reformed outlaws. John Selman for example, rustled during the 1870s and 80s and killed at will, later he rehabilitated and became constable of El Paso. Selman killed Bass Outlaw, an ex-Texas Ranger turned “vicious”

475 White, 142-6.
murderer. Selman also killed John Wesley Hardin El Paso’s Wild West hero, and in 1896, U.S.
Marshal and reformed outlaw George Scarborough, killed John Selman.476

The legendary western Anglo outlaw is described by historian Peter Lyon as follows:

[Outlaws] enjoy prodigious accuracy with weapons; they are brave and courageous; they are
courteous to women; they are gentle and modest; they are handsome and attractive;
they have blue eyes; they are driven into outlawry defending a loved one from an affront;
they protect widows and children while robbing banks and railroads; they die through
betrayal and treachery, but their death is inconclusive, permitting reappearance in the future.477

This is the image of the Wild West outlaw that has endured throughout time and has become an
integral part of the Southwest and the American Myth. Outlaws were ruthless murderers yet
were also described as gentlemen who had the utmost respect for women and children.

In the El Paso region, two of the most infamous outlaws were Billy the Kid and John
Wesley Hardin (see illustrations 5-1, 5-2). They gained notoriety as bad men who killed for the
thrill and then bragged about it. Billy the Kid, born Henry McCarty in New York City to an Irish
family left the east coast with his mother, and they migrated to Silver City, New Mexico. His
mother searched for a better economic future, and there, he learned to speak Spanish and he
embraced the Mexican culture. His mother died when he was fifteen years old and shortly after
her death Billy the Kid began a life of crime. His first arrest occurred when the town sheriff put
in jail for theft. Somehow he escaped and fled to Arizona where he killed a man in a bar brawl.
He returned to New Mexico during the Lincoln County War and a regulator involved in the war
hired him as a paid killer. After the war, Billy the Kid went to work for a rancher who filed
charges against him for stealing many of his horses and cattle. Once apprehended, officials
transferred him to Mesilla, New Mexico to stand trial where the jury found him guilty of murder
and transferred back to Lincoln County to await his execution. The Kid managed to secure a

gun, killed two guards and escaped. The legend suggests that Peter Maxwell’s daughter and Billy the Kid were sweethearts and he hid at the Maxwell’s house in Fort Sumner. Maxwell’s son alerted the law and Sheriff Pat Garrett and two deputies surprised the Kid in the middle of the night and killed him. He died at the age of twenty-one and rumored to have killed twenty-one men, or nine or four, depending on who tells the story.\textsuperscript{478}

John Wesley Hardin was born in Bonham, Texas. According to the legend, Hardin had killed at least twenty individuals by the age of twenty-one—not counting Mexicans that is, because they had “no name.” Hardin became involved with the Taylor-Sutton gang (Hardin and the Taylors were related); they rustled, gambled, drank a lot, and killed at will. One afternoon, Hardin and his partners in crime were drinking in a saloon in Comanche County, Texas and encountered deputy sheriff Charles Webb from neighboring Brown County. They engaged in a shootout and one of the bullets killed the lawman. Hardin and the gang of outlaws were on the run until 1877, when lawmen captured Hardin at the age of twenty-five. The courts convicted him of murder and sentenced him to twenty-five years in a Huntsville, Texas prison. After several attempts to escape, he settled down, studied law and wrote his autobiography.\textsuperscript{479}

Hardin received an early release in 1894, after serving seventeen years, and rejoined his three children living in Gonzales County, Texas. His wife Jane had died one year prior to his release. That same year the state pardoned Hardin; he passed the Texas bar exam and established a law practice. Things did not go well for Hardin in Gonzales County and he left his children behind and moved to Junction, Texas (west of Austin), where he had many relatives. Soon after his arrival he met and married a young woman still in her teens but the marriage

\textsuperscript{478} Prassel, 144-50. The Kid was killed on July 14, 1881.
lasted only a few hours. “Killin’ Jim,” a cousin by marriage, filed a lawsuit against Bud Frazer an ex-sheriff from Pecos and contacted Hardin and requested his legal assistance on the trial set to begin on April 1895 in El Paso, Texas. After the trial ended in a hung jury, Hardin stayed in El Paso and opened a law practice in the downtown area.\textsuperscript{480}

Two separate stories emerged concerning Hardin’s activities during the last four months of his life. One story suggests that he became romantically involved with Mrs. Morose, the wife of his only client, Martin Morose. Hardin allegedly hired Constable John Selman to kill Morose; however, Hardin did not pay Selman after he assassinated Morose, which is why Selman killed Hardin at the Acme Saloon. The other account suggests that Selman arrested Mrs. M’Rose for carrying a pistol and public intoxication. She went to trial and the judge found her guilty and fined her $50.\textsuperscript{481} Hardin became angered by the bad treatment his woman M’Rose received and apparently threatened to kill Selman and his family. The night Selman shot Hardin he was “shaking dice” at the Acme Saloon. In Selman’s statement to the \textit{Daily Herald} the next day, he said he entered the saloon with Mr. Shackelford to have a drink and “noticed that Hardin was watching me very close…when Hardin thought my eye was off him he made a break for his gun in his hip pocket and I immediately pulled my gun and began shooting. I shot him in the head first as I had been informed he wore a steel breast plate,” and he died instantly.\textsuperscript{482}

Billy the Kid and John Wesley Hardin are currently embraced by local historians and civic leaders as folk heroes although they were murderous outlaws. Community leaders recognize the Wild West era in American history as a period when El Paso reached social and economic equality with the rest of the United States and the cowboy—both law enforcer and

\textsuperscript{480} C.L. Sonnichsen, “The Grave of John Wesley Hardin” \textit{Password} Vol. XXII, No. 3 (Fall 1977), 91-108. Some accounts suggest that the marriage last two days or one week.
\textsuperscript{481} By 1890 it was a felony to carry a weapon and mostly punishable with a fine.
\textsuperscript{482} \textit{El Paso Daily Herald}, August 20, 1895.
outlaw—was at the forefront of progress and civilization. Currently, the town of San Elizario stakes a claim on the Billy the Kid fame because he demonstrated bravery and loyalty to his friend Melquiades Segura, by helping him escape from the San Elizario jailhouse. The Kid and Segura presumably crossed into Mexico afterwards and at some point The Kid crossed back into the U.S. The San Elizario jail structure is now a museum which celebrates The Kid’s brief but noteworthy appearance in the town.483 Similarly, the town of Mesilla, New Mexico also has a vested interest in Billy the Kid’s notoriety. The Mesilla courthouse where he was tried, convicted of murder, and sentenced to hang is presently The Billy the Kid Gift Shop and the owners offer a huge selection of Billy the Kid memorabilia.484 Further, Ft. Sumner’s civic leaders contend that they have the most important right to Billy the Kid’s fame given that his remains are buried in the Ft. Sumner cemetery and the museum owners claim to have Billy the Kid’s original rifle, chaps, and spurs, and the original Wanted Poster that offered a $500 reward for his capture.485 Furthermore, leaders in Silver City, New Mexico adamantly assert that Henry McCarty (the Kid) attended the Sixth Street Elementary School and they have placed a structure near the Murray Ryan Visitor Center, which represents the house where the Kid and his mother lived until her death.486

Billy the Kid had a short-lived career as an outlaw. Jesse James and his gang were on the loose during the same time period therefore the James gang had more prominence and media attention as outlaws than the Kid. Some accounts contend that until the New Mexico governor placed a bounty on The Kid’s head in 1881, and once New Mexico and New York newspapers

printed editorials about his exploits, Billy the Kid became a full-fledged outlaw. After his death, numerous versions of Billy the Kid—outlaw and folk hero—have been published, the fact is, however, that there is not a great deal of primary data about his six-year career as an outlaw.

John Wesley Hardin, on the other hand, died at age forty-two and left a paper trail of letters, court records, photos and his autobiography. A number of official collections exist that help piece together Hardin’s life as a young, educated man, husband and father, with an extended family that endured hardship as a result of his lawlessness. Other evidence also presents him as a violent murderer and white supremacist known as a “nigger killer” and one who hated Mexicans and Indians. He came from a family of troublemakers and outlaws and his family members frequently protected him, including his father who gave him his first gun and ammunition and advised to run from the law.487

Nonetheless, Hardin embodies the ideal outlaw and folk hero: accurate with weapons, brave, handsome, and protector or women and children. Hardin’s legend has been a favorite topic for fiction writers and he is a beloved character in Hollywood, where countless big-screen and made for television movies have fictionalized his adventures in the Wild West. There are also two ballads written and recorded by legendary singers Johnny Cash and Bob Dylan. Johnny Cash interprets Hardin as a gunslinger that wouldn’t run, and …“if you ever saw Wes Hardin draw you know he can skin his gun, he won’t say how many tried and died up against the top hand up against the wrong man cause Hardin’ wouldn’t run.” Bob Dylan focused more on Hardin’s virtuousness and chants that “John Wesley Harding [sic] was a friend to the poor…[and] was always known to lend a helping hand.” 488 By the time the law apprehended

487 Prassel, 142-3; Smallwood, 102-10; www.gonzalescannon.com. Some accounts claim Hardin killed more than forty while others allege that he killed as little as eleven.
Hardin and put him on trial for murder people were fascinated by him and hundreds gathered in the courthouse to catch a glimpse of him and shake his hand. Hardin’s legend justifies Peter Lyon’s description of the outlaw as a handsome, well-dressed gentleman. In his autobiography Hardin admits that he became accustomed to the “hero worship” fame and that after his release he remained alert and ready to “pray or fight” and still convinced that he could live up to his legend.489

El Paso’s local historians and civic leaders have adopted the romanticized version of Hardin’s colorful, yet murderous past. The Concordia Heritage Association and the troupe Six Guns and Shady Ladies have embraced the Wild West era and have vowed to keep Hardin’s memory alive through the John Wesley Hardin Secret Society. The association had a wrought iron fence built around Hardin’s grave to protect it from vandalism and is in the process of converting Concordia Cemetery into something that resembles an Old West town where actors portray the traditional and colorful western figures such as shady ladies, lawmen, and outlaws. Every August 19th local and out of town audiences watch as association members relive the bloody gunfight that took place at the Acme Saloon between Hardin and John Selman. That day, Selman murdered Hardin, but it does not mark the end of Hardin’s existence or his larger than life persona, which is kept alive through monthly and yearly events that take place on cemetery grounds (see Chapter Six).490

Our society seeks this type of romanticized history for the tourist dollars and because leaders want to claim a piece of Wild West history. In the southwest, however, more individuals were killed as a result of mob violence or vigilante justice than by infamous outlaws. In fact, Billy the Kid and John Wesley Hardin were at the bottom of the nation’s most wanted list in the

1880s. Thomas Hurley chief assassin for the labor organization the Molly Maguires stood at the top of the list, and John Taylor president of the Mormon Church, held the second most wanted place on the list. These individuals did not rob banks or trains and none of the characteristics ascribed to the western outlaw apply to them. Moreover, outlawry in general remained prominent in Mississippi, Missouri, Illinois, Kansas, and Montana where opportunities for crime were greater, more so than along the southwest borderlands.  

Nonetheless, El Paso’s easy access to a foreign country and the railroad helped bring gamblers, thieves, murderers, and outlaws to the tricommercialized zone. W.W. Mills describes Anglo migrants as “railroad rats” and many wandered throughout the southwest in search of quick profits by proposing shady business ventures, or they engaged in the smuggling of goods into or out of Mexico, or they simply passed through El Paso to pilfer and catch the next train out.  

According to historian Frank Richard Prassel,

> [the] criminal of the Far West is a man who displays himself most thoroughly in times of emergency. It is when he comes face to face with the officer that he is desperate and difficult to deal with. He will always fight, and the officer who hunts him down may in four cases out of five count upon having to take this man at the muzzle of his revolver. It is this fact which makes the Western narrative of more thrilling interest than that of the more conservative Eastern localities.

The idea that the railroad rat or the cowboy, although they were caught stealing or they were wanted men, were still willing to stand up to the marshal or sheriff remained irrelevant. The confrontation and the duel that ensued in the middle of the dusty western streets is what captured the minds and imaginations of America. Frontier criminals were transformed from “bad men fit for lynching” to folk heroes by travel writers, journalists, adventurers, artists, and the media. They are responsible for creating the myth of the western outlaw and the Wild West era, while western dime novels and films have epitomized the outlaw as being idealistic, generous, and

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491 Prassel, 99-112.  
493 Prassel, 110-11.
intelligent, which is more appealing to the public than the reality. Average citizens learn their history through fictionalized works and movies before they are introduced to academic history which challenges what they have embraced as being historical facts.\textsuperscript{494}

Anglo writers of all sorts are also responsible for creating the image of ethnic Mexicans as treacherous, thieving, and murderous bandits. With the exception of the Mexican wealthy, amateur and academic literature has portrayed Mexicanos as social outcasts, unfit to live in a civilized society. It is until recently with the publication of With His Pistol in His Hand by Chicano historian Américo Paredes and the Chicano/a scholarship that has followed, that Mexicanos have been given validity and historical significance and Anglo interpretations challenged.\textsuperscript{495} Racial biases and economic circumstances intensified after the El Paso Salt War (1877) and with the arrival of the railroad, minorities were designated to fill the labor demands of a growing city. Mexicanos “made up seventy per cent of the section crews and ninety per cent of the extra gangs on the principal western lines” and since railroads maintained few permanent labor level positions workers were passed off to other industries including agriculture.\textsuperscript{496} Mexicanos were proactive, however, and their resistance was in reaction to the Anglo racialization project that included unending violence, loss of power and authority to Anglos, unemployment and underemployment, loss of land and shelter, legal and judicial marginality, in addition to the extralegal forms of justice employed by Anglo enforcers, mobs, possemen, and terrorists.

The print media typically sensationalized and exaggerated a criminal act by a group of Mexicans, in much the same way that the newspapers handled the incident at Márquez Canyon

\textsuperscript{494} Trouillot, 20.
\textsuperscript{495} Américo Paredes, With His Pistol in His Hand: A Border Ballad and Its Hero (Austin: University of Texas Press, 1958.
\textsuperscript{496} Carey McWilliams, North from Mexico: The Spanish-Speaking People of the United States (New York: Praeger, 1975), 155-9.
where bandidos presumably ambushed and murdered Ranger Fusselman. Out of the seventy-five men that the newspapers reported were involved in his murder and in horse theft, only seven were arrested and charged, and at least one was released due to insufficient evidence. Seven is a far cry from seventy-five; nevertheless, this type of misrepresentation added to the myth of social banditry and the portrayal of Mexicans as murderous, blood-thirsty, thieving criminals. The act of repetition transforms fiction into fact and just as Anglo outlaws have been romanticized and embraced as important historical characters, a whole population of people identified by certain physical characteristics and social traits have been vilified and relegated to second class status as part of the Anglo racialization project.497

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497 Martha Menchaca, Recovering History Constructing Race: The Indian, Black, and White Roots of Mexican Americans (Austin: University of Texas Press, 2001), 1-13
Chapter Six

Creating Myths, Silencing History:
Concordia Cemetery and the Wild West Show

Every August 19th the performance group Six Guns and Shady Ladies reenacts the gunfight that led to John Wesley Hardin’s demise. For the past twenty years the reinvention of history takes place on Concordia Cemetery grounds directly in front of John Wesley Hardin’s gravesite and shrine. In addition to reviving the mythical Wild West by celebrating the death of a murderous gunslinger and ex-convict the association organizes a yearly “Walk Through History” day or walking tour. This event highlights Anglo American culture and the prominence of certain El Paso pioneers. Music, country store items, and local historians, who have written about El Paso’s Anglo settlers, Concordia Cemetery, John Wesley Hardin and Billy the Kid, make up part of the festivities. The association also showcases other events on cemetery grounds, including monthly Ghost Tours guided by the Paso del Norte Paranormal Society and yearly Day of the Dead (Dia de los Muertos) celebrations. The Day of the Dead festivity mostly celebrates Halloween, an American popular cultural practice, featuring fortune tellers and ghostly cowboys and prostitutes partaking in “pass whiskey” as they greet the tourists.498 Throughout the year, the organizers celebrate the Wild West and the local famous and infamous characters that helped define that era in American and western history. Civic leaders encourage the belief that El Paso was barren and geographically insignificant until the arrival of the railroad and gun slinging lawmen and outlaws. Reinventing limited yet romanticized versions of the Far West draws tourism to the region given that only the colorful characters that currently define the Wild West are commemorated. The majority of Concordia’s eternal residents are of Mexican

498 www.concordiacemetery.org, El Paso was known for its production of wine and brandy and during the Wild West era, the local brandy was known as “pass whiskey.”
origin and they thrived in this area before and after the advent of the railroad and before the
arrival of the western hero. The Mexican dead are excluded from the walking tours and they are
not celebrated by our civic leaders; they remain in the background where their past has been
silenced.499

Eastern settlers, adventurers, journalists, and expansionists influenced the shaping of
western history. They chronicled their experiences as they made their way westward to
conquered territory. Anglo narratives described the west as a barren expanse of land, frontier or
prairie, eventually occupied by cowboys, lawmen, outlaws, and prostitutes and in time, structures
such as the log cabin, the jail house, and the saloon dotted the landscape. These descriptions of
the west captured the imaginations of easterners who expected to find these characteristics when
they ventured to the western United States. By the 1890s, the frontier as white men defined it
had replaced the realities of conquest, which included genocide and land theft which by then had
been downplayed or forgotten. Subsequently, white society created stereotypical images of
ethnic minorities, such as the noble savage and the lazy or the treacherous Mexican as part of the
civilization process.500 This was their way of acknowledging that there were few groups that
lived in remote areas of the west, however, by portraying them in that way also pointed to their
primitive lifestyles.

Historians Henry B. Sell and Victor Weybright have argued that the true heroes of the
Wild West were Indian scouts who helped tame the frontier. Among them were Kit Carson,
Wild Bill Hickok and Buffalo Bill Cody. Buffalo Bill (William Frederick “Buffalo Bill” Cody)

499 Michel-Rolph Trouillot, Silencing the Past: Power and the Production of History (Boston: Beacon Press,

500 Patricia Nelson Limerick, The Legacy of Conquest: The Unbroken Past of the American West (New York:
W.W. Norton & Company, 1987), 17-21. An example of a collection of western dime novels was written by Henry
Cabot Lodge, Hero Tales From American History (New York: The Century Co., 1895). Lodge wrote them in
collaboration with Theodore Roosevelt and the collection recounts the experiences of adventurers, hunters, ranchers,
and expansionists that engaged in Indian warfare and helped tame the frontier.
became one of the more celebrated of the frontier heroes due to his Wild West shows. From his own admission, he claimed to be a frontiersman, pony express rider, trapper and trader, military man and Union spy, hospital orderly, buffalo hunter and Indian scout. William Cody’s rise to fame occurred just after the Civil War when the “white man” resumed its expansionist agenda to occupy the western frontier. The United States planned for the relocation of Indian groups to reservations established in the west, and those tribes that refused to leave their lands, were treated as hostile parties. The removal of Indians from the western plains would eventually become what historian Richard Slotkin defines as “wars of extermination” that basically translated into a fight for survival. According to the legend, Buffalo Bill killed his first Indian at age twelve and acquired a reputation as being the “youngest Indian slayer of the plains,” and as master at “guerrilla warfare” and buffalo hunter, which is how he gained his fame.

Buffalo Bill developed an ability to tell a great story although he had a tendency to exaggerate his escapades. His wife Louisa thought him to be an “irritation…egotistical and meticulous in his dress.” These qualities later helped define Cody as a great showman and also influenced dime novel authors to write about his larger than life persona, which was mostly self-created. By the 1870s Buffalo Bill had built a reputation of having,

[...] no fear of wild horses, Mexicans, Indians, [and] desperadoes, and looked the part of a hero...he could outdrink all men...played poker all night...[went] to work on the trail at dawn, and [could] outride and outshoot all competitors. He was the Wild West.

Buffalo Bill’s traveling outdoor Wild West show consisted of 529 trained performers, tent men, ticket collectors and publicity agents. In tow were also buffaloes, horses, and cattle. Cody

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502 Henry Blackman Sell and Victor Weybright, Buffalo Bill and the Wild West (Wyoming: Big Horn Books, 1979), 3-54. The “West” and “frontier” are used interchangeably in this work.
503 Ibid., 60-78.
wanted his show to be authentic and he insisted on using real Indians, Anglo cowboys and cowgirls, and Mexicans. In the shows Indians fought white scouts, Mexicans performed lasso tricks, and activities such as sharp shooting, horse races, and riding stunts comprised Buffalo Bill’s Wild West. 504

Buffalo Bill’s extravaganzas justified the extermination of ethnic minorities for the sake of civilizing the West, symbolic of Manifest Destiny ideals. Cody’s (many) autobiographies were used to write the scenes, and in the performances, the white Indian scout and hero fought and killed the “savage Indian.” The live acts mirrored the behavior of dozens of Indian scouts who engaged in the genocide of Indian groups to clear the path for westward settlers. At the end of every show, Indians always died, demonstrating that good always conquered evil. These scenes mentally and emotionally satisfied the eastern and European audiences who were convinced that Buffalo Bill’s Wild West represented an authentic interpretation of life in the west. With the dissemination of dime novels, newspaper editorials, and adventurers that told similar stories, the Mythical West became fully embedded in the American psyche.

The premise of the show presents a paradox, however. Cody convinced many Indian warriors, including Sitting Bull, to join his act and many toured with him throughout the Eastern United States and Europe. Nevertheless, in their real lives, the warriors that performed with Buffalo Bill returned to join their tribes and these same warriors fought scouts and the military and they died defending their freedoms and protecting land which rightfully belonged to them. In truth, Indians initiated attacks on westward travelers because they were threatened by the invasion and fought to retain their livelihoods. Despite their aggressions, however, Indian tribes

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504 Sell and Weybright, 125-149; Jeremy Agnew, Entertainment in the Old West: Theater, Music, Circuses, Medicine Shows, Prizefighting and Other Popular Amusements (North Carolina: MacFarland & Company, Inc., 2011), 192. Before Buffalo Bill popularized the Wild West show, there were other shows that were short-lived, including P.T. Barnum’s in 1843 and Wild Bill Hickok who introduced a show in New York similar to Buffalo Bill’s but he went bankrupt. It was not until the 1880s that Bill Cody mastered the Wild West Show.
never had the technology or manpower to “exterminate” the white man and those groups that resisted relocation were ultimately blamed for their own extinction.505

In 1893 Buffalo Bill Cody declared that the conquest of the frontier had been achieved. Indian scouts had delivered the West to the U.S. government. At the same time that Cody reenacted the defeat of the Indians, Frederick Jackson Turner, an American historian renowned for his Frontier Thesis, delivered a speech at the Chicago World Fair where he also declared the end of the frontier. Turner believed that expansion resulted in the shedding of old European practices and in the fostering of a new American, the rugged individualists in a virgin environment.506 Both Cody and Turner were influenced by Wild West propaganda prevalent throughout the eastern United States, and both relied on similar iconography to tell their stories. While Cody utilized log cabins, stage coaches, and animals as props, Turner incorporated these symbols into his rationale. For Turner the log cabin proved that Americans with time, transformed a small building into a prosperous farm that later evolved into an even bigger, more profitable structure. That represented progress.507

Further, while Indians were vital in Cody’s narrative, they were relegated to the peripheries in Turner’s discourse. Turner presented the frontier as a vast and barren land and erased the reality of life or settlement so that the American success story could work. Creating a new America is what made the “frontier significant.”508 Historian Richard White points out that by the 1890s, “cartographers, politicians, teachers, and other Americans with power to erase

505 Slotkin, 12-13. Slotkin argues that the myth of “savage war” blames Native Americans as instigators of a war of extermination, which serves as a justification for a “morally troubling side of American expansionism.”
508 Ibid., 7-10.
people and structures [had done] so and what was once densely occupied by Indians, mestizos, and Spaniards” was categorically obliterated from history. Both Cody and Turner influenced how Americans view history, however, Cody made a larger impact on mainstream America since his platform was not exclusively academic like Turner’s. Instead, unlike Turner, Cody targeted the everyday American, tourist, and adventurer curious about discovering the West.

What Turner, Cody, and others convey about the west makes up for only half of the true American experience and its conquest. The “other” half of the frontier and its history is the half that does not rely on the contrived meaning of “frontier” to define its historical past. The frontier that is not acknowledged is the geographically dynamic one lined by centuries-old roads, by commercialized regions, by agriculturally rich zones, by an expanse of territory populated by Indians and mestizos. Historian Bradley J. Parker emphasizes that frontier zones consist of either cultural units or empty areas of space where units did not come into direct physical contact. The southwestern terrain could be defined as having both populated areas as well as uninhabited space and not just as a vast barren territory or frontier. Therefore erasing the populated spaces throughout the borderlands also erases the atrocities of conquest; instead, Turner’s frontier romanticizes the migration of whites to the west and the colorful characters that are now an integral part of western history. Consequently, the frontier in the American psyche conveys images of pioneers, cowboys, stagecoaches, log cabins, buckskin shirts, Stetson hats, six

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509 White, 17. Turner’s declaration of the end of the frontier was a result of the 1890s census that showed that the population density was no longer defined by two people per square mile. It was the end of the geographical frontier.

510 After the Civil War African Americans and Asians also became part of the western frontier.

shooters, and other imageries that Americans have embraced as representing the West. Fact has been replaced by fiction.

Regional differences eventually shaped how easterners approached myth-making. Tourism and the available resources largely influenced how traditions were invented. In some borderlands cities community organizers favored the “Fantasy Heritage” myth over the traditional western-themed legend mainly due to how the region developed culturally after Spanish colonization of the north in the 1700s. Wealthy mestizos from California and northern New Mexico adamantly maintained that they were of pure Spanish descent, even after Anglo conquest, and civic leaders utilized this conviction to invent a romanticized historical past that highlighted Spanish ancestry, architecture, customs, and cultural practices.

In Los Angeles for example, the Los Angeles Plaza represents the first structure built by the Spanish families that settled in California baja. City organizers converted the plaza and the surrounding structures, consisting of forty-four acres, into a historic district specifically formulated to cater to tourists. The main plaza symbolizes the city’s birthplace and a commercial and social center. It has three large statues representing King Carlos III, Felipe de Neve, and Father Junípero Serra, all of whom played significant roles in the founding of Los Angeles. The Spanish architecture has been preserved and most of the structures that surround the plaza are open for exhibition.

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Adjacent to the plaza is the Olvera Street marketplace, which exemplifies Anglo perceptions of Spanish-Mexican heritage. It is named after Agustín Olvera, an individual of Spanish ancestry and a prominent judge during the 1870s. Olvera Street is currently lined with Mariachis, costumed Mexican merchants and voluptuous señoritas, Mexican restaurants, Mexican curio shops, and the traditional statue of the lazy Mexican is strategically positioned for tourists to muse at. Ironically, at present, most of the vendors at the Olvera Street marketplace are from Central America and the curios and souvenirs they sell are not made in Mexico. In their efforts to exert power over space, the dominant has created a mythical place to entertain white tourists, and ethnic minorities regardless of heritage or national origin, have been designated to fill the demands created by a tourist-oriented industry.515

Similarly, in Santa Fe, New Mexico Anglo boosters created the *Santa Fe Fiesta* to celebrate the Spanish conquest and their cultural traditions. The fiesta is an annual event. Actors—dressed in Spanish regalia—publically reenact the Spanish re-conquest of the Pueblo Indians in 1692. The fiesta is an elaborate festival that highlights Spanish superiority and Indian inferiority, and mestizos are erased from the event altogether. Further, city organizers strategically invented the Santa Fe style architecture to make Santa Fe exclusively an Anglo space as well as to encourage migration to the city, raise the value of real estate, and increase tourism. Historic preservation, romantic literature, indigenous arts and crafts and indigenous ceremonies were all part of the plan to revive and rescue Santa Fe from economic ruin. As a result, the wealthy and famous settled in the city and tourists from throughout the nation and other countries flocked to New Mexico to vacation in the pseudo Spanish colony. Eventually

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515 Estrada, 6-8.
Indians and Mexicans were forced to move out of the invented landscapes to the peripheries, where they are out of sight.516

The gentrification of Los Angeles and Santa Fe demonstrates that the legacy of racial inequality occurred with U.S. conquest and persists into modern times. Retaining ethnic minorities in positions of servitude and as one-dimensional personalities further establishes that conquest is a continual process. The disenfranchised have learned that their otherness earns them a living and have accepted the space that is created for them, where they display their invented traditions and artisanry for tourist sake. Some, on the other hand, seek acceptance from the dominant society by denying their heritage altogether and consequently become afflicted with historical amnesia, which they tend to pass on to posterity.517

Community leaders in Los Angeles and Santa Fe celebrate the importance of the Spanish conquest, Spanish ancestry and purity of blood through the Fantasy Heritage. On the other hand, in the Myth of the West, organizers highlight Anglo American invasion, westward expansion, and its western heroes. In southern New Mexico, southwest Texas and in the state of Arizona, Old West history is prevalent and city leaders advocate the Myth of the West to attract tourism and to validate U.S. expansionism and conquest. Richard Slotkin asserts that the myth of the West has been expressed over a period of three centuries in literature, folklore, ritual, and historiography. Slotkin contends that,

[m]yth is acquired and preserved as part of our language. We observe its operation in the quality of historical (or pseudo-historical) resonance that attaches to terms like ‘Frontier,’ ‘Cowboys and Indians,’ or ‘Last Stand.’ [Civic leaders] implicitly connect the events they emblematize to a system of values and beliefs, they are usually used in a way that suggests an analogy between the historical past and the present situation. What emerges at the end is a body of genres and formulas whose appeal has been.

517 Limerick, 67-75.
commercially validated; and this body of genres and formulas may be taken as the myth/ideology of the mass culture that consumes it, a kind of ‘folklore of industrial society’.

The western myth celebrates American conquest of the wilderness, the violent extermination of Indians, and the forced removal of Mexicans. While a national economy and the idea of democracy, opportunity, and equality were established once the cowboy tamed the West. These practices and ideologies, however, are illusive to those groups that retain their language and traditions and live in the United States.

Historian Carey McWilliams, one of the first to identify the western myth, posits that by 1900 the West had been discovered and a process of reinventing the West has occurred since, year after year. Western heroes were abound while Indians, Mexicans and other minorities were referenced only when necessary or when statues of their superficial likeness—such as the Indian Chief or the lazy Mexican—were strategically placed in front of tourist attractions and gift shops. The mythical characters that became a permanent part of the post-settlement period included “the Cowboy, the Miner, the Engineer, the Homesteader, and the Tramp” and the character of the land such as mountains, prairies, sunsets, and vast open spaces were descriptive of the western landscape. Further, structures such as farms, jails, and saloons and activities such as campfires, hayrides, gambling, and the consumption of alcohol or “whiskey” have become permanent symbols of the Wild West.

Literature, movies, and advertisement that highlighted the west’s “perdurable charm” inundated American popular culture and this western motif eventually influenced the sale of goods, fashion, and food. The entire western United States eventually became a playground for

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Eastern and European tourists. Civic leaders have incorporated these representations into their weekly, monthly and yearly celebrations in their efforts to encourage white migration, tourism, and economic growth. The dominant structure has also utilized myth-making to erase, obscure, or stereotype the existence of ethnic minorities for the sole purpose of entertainment and to maintain them marginalized.

People seem to get emotionally caught up with the larger than life personas embodied by gunslingers and outlaws. They were murderers and that is a historical fact, yet the public clings to the misconception that there is something noble and heroic about them. This mythic idea of the Wild West draws people from all over the country to watch as performance groups reenact and relive the shootouts that took place in saloons, brothels, and on dusty western streets. Tombstone, Arizona, El Paso, Texas and other towns that have embraced the Myth of the West culture to attract tourism feature the cowboy, portrayed as an outlaw or a lawman, rather than a ranch hand or cattle herder crossing the frontier. Actors dressed in period clothing reenact bloody gunfights and murderous rampages to satisfy tourists’ expectations and structures and western images that give the appearance of being in a western town are incorporated into the scenes to maintain an imagined authenticity and as a powerful way of keeping the Old West fresh and intriguing.

In Tombstone, Arizona the reenactments of the gunfight at the O.K. Corral relive the saga of Wyatt Earp, his brothers, and their friend Doc Holliday. The legend suggests that the Earps forced the Clanton-McLaury gang out of power in Tombstone to make it safe for God fearing men, women and children. The struggle between good and evil culminated with one last shootout at the O.K. Corral. This “last stand” transformed the Earp brothers into folk heroes.

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520 Ibi.d, 430.
The infamous shootout and the Earp brothers have been fictionalized and their legend kept alive by dime novel writers and Hollywood movies since the shootout took place in 1881. Wyatt Earp’s character is always described as a tall, handsome, blonde, and blue-eyed lawman that is quick on the draw and as one of the great men of the west. In some cases, the legend situates the Earps as outlaws who become great lawmen, a scenario that occurred frequently in the west. The lawless cowboy redeems himself when he realizes he can best serve the community by protecting it.

The fact is that Tombstone, Arizona was founded in 1879, primarily as a mining town, whose majority population consisted of Indian and Mestizo heritage. The Earp brothers migrated to Tombstone in the summer of 1880. In March 1881, the Clanton-McLaury outlaws held up a stage coach carrying a reported $80,000 in silver bullion, except the robbery failed. The attempted hold-up incited a feud between the Earp brothers and the Clanton-McLaury gang, and the dispute reached a climax on October 1881, inside the O.K. Corral. The shootout left Virgil and Morgan Earp wounded as well as five others dead. Nevertheless, the hostilities did not end there. On December 1881, an outlaw shot Virgil in the back leaving him partially crippled and on March 1882, another gunslinger shot Morgan and killed him as he played pool in Hatch’s Saloon. After Morgan’s death, Wyatt, Virgil, their families, and Doc Holliday left Tombstone and permanently settled in California.

The discovery of silver drew many men from Europe and from the eastern U.S. to Tombstone, Arizona, even after the Earps left the area. The violence continued to escalate except racist sentiments and hostilities were directed toward Indians and Mexicans, many were

522 Ibid., 68.
driven away, nonetheless a great majority worked for the wealthy as domestic servants and laborers.524 Further, the influential in Tombstone alleged that the “Cowboy” had been perverted by outlaws who had converted a noble profession into a reputation defined by drinking, rustling, and murder. They argued that the border facilitated that type of illegal activity and blamed Mexico, Mexicans, and Indians for the social conditions prevalent in Tombstone.525 The wealthy and their opinions did nothing to keep the incident from reaching eastern circles, however, and writers published dime novels about the feud between the Earps and the Clanton-McLaurys at warped speed. Although the Earps lived in Tombstone for only two years, the shootout at the O.K. Corral is one of the legendary confrontations between outlaws and lawmen of the Wild West.

Currently, Tombstone, Arizona is known as “The Town Too Tough To Die.” Civic leaders hold two scheduled reenactments daily of the thirty second gunfight inside the O.K. Corral. The area and surrounding structures in Tombstone have been preserved exactly as they looked in the 1880s and the actors dress in western attire, sport handlebar mustaches, wear Stetson hats, and they shoot blanks from their “Frontier-type Colts” as they hold tight to the idea of authentic history. The organizers also show tourists a video narrated by Vincent Price which highlights Tombstone’s history including the silver mine, the infamous gunfight, the clashes between cowboys and Apaches, and the assassination of Morgan Earp. The Tombstone Epitaph, Arizona’s oldest newspaper, is still engaged in printing historical accounts of the Wild West days and the actual reports of the gunfight at the O.K. Corral. The publication offers special editions detailing the life and times of Wyatt Earp, Doc Holliday, Pioneering Prostitutes, and John Clum.

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the founder of the Tombstone Epitah.\textsuperscript{526} The O.K. Corral has been designated a playground for the dominant to reinvent history, nevertheless, in Tombstone, as in other western-themed towns, lawlessness was relatively short-lived.

In El Paso, Texas efforts by leaders and historians to claim a part of western history have been ongoing since the 1940s. Professor C.L. Sonnichsen embarked on a mission to trace John Wesley Hardin’s footsteps and that of the Sutton-Taylor gang and he traveled throughout Central Texas searching for Hardin’s living relatives. In 1943, he found Hardin’s sister and granddaughter in Smiley, Texas and they willingly shared many stories with Sonnichsen about Hardin’s exploits.\textsuperscript{527} Sonnichsen and two Hardin supporters formed the first John Wesley Hardin Commemorative Association in 1944 and the group agreed that Hardin’s grave should be either marked or his remains moved and buried next to his wife Jane.\textsuperscript{528} Hardin’s relatives decided that Hardin’s corpse should stay buried in the Concordia Cemetery and they gave the association full authority to do everything possible to get a tombstone placed on his grave.

Sonnichsen approached the El Paso County Historical Society and asked for monetary aid and for assistance in dealing with the cemetery’s hostile and uncooperative caretaker. Some members of the historical society were adamantly opposed of the idea, given that Hardin was a murderer and ex-convict, and they felt that other individuals who had contributed to El Paso’s advancement deserved more recognition. Although the historical society did not assist Sonnichsen, in 1962 Chris Fox, of the State National Bank and former sheriff of El Paso, expressed an interest in the historic sites of El Paso and had a bronze plaque placed on the Lerner Store building the original site where Constable Selman gunned down John Wesley Hardin.


\textsuperscript{527} C.L. Sonnichsen, “The Grave of John Wesley Hardin” Password Vol. xxii, No. 3 (Fall 19), 91-108.

\textsuperscript{528} Jane Hardin is buried in the Asher Cemetery near Coon Hollow, Texas.
(formerly the Acme Saloon). Leaders publicized the event widely and a large group of journalists, former lawmen, prominent businessmen, some of Hardin’s relatives and a crowd of onlookers were present to watch the unveiling.

After persistence from the John Wesley Hardin Commemorative Association and Hardin’s relatives, a judge ruled to have a marker placed on Hardin’s grave in 1965. The El Paso Herald Post ran a feature story about Hardin, his granite and bronze marker, and Mr. Narzinsky, owner of the Pioneer Monument Company. Dr. Sonnichsen was drawn in by the Wild West Myth which compelled him to investigate Hardin’s past. He wrote a number of articles about Hardin and the Wild West era and described Hardin as having a split personality: partly influenced by “ostentatious piety” and the other defined by violence and racism. He asserts that Hardin,

was and continues to be, one of the most enigmatic characters of our heroic age—a gentleman in manners and appearance, a Southerner of good family background, intelligent and polite, a professing Christian who could and did teach Sunday school and tried to instill the highest ideals in children.”

Sonnichsen still found good qualities in a murderer and chose to highlight Hardin’s presumed virtues over the reality.

In 1995, John Wesley Hardin’s relatives made attempts, through legal means, to have his remains moved to Nixon, Texas. The Concordia Heritage Association had by then taken control of the cemetery’s preservation efforts and appealed to the El Paso County Commissioners for their assistance in keeping Hardin’s remains at Concordia Cemetery. The county supported the association’s interests and their plans for the cemetery and currently allots yearly funds to the

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529 Sonnichsen, 104. Chris Fox was sheriff of El Paso in the 1930s and known later as “Mr. El Paso.”
530 Sonnichsen, 95.
association to pay for security and maintenance of the burial grounds.\textsuperscript{531} In fact, one of the main actors of the group, Six Guns and Shady Ladies, has been appointed to fill the position of chairman of the El Paso County Historical Commission. As chairman of the commission, he expresses a sense of responsibility to preserve and promote “heritage tourism” and although he endorses the missions, the tramway, the museums, and other tourist attractions in and around the greater El Paso area, he is mostly interested in pointing out sites and buildings where the brothels used to be, where shootouts took place, and in particular, where John Wesley Hardin gambled and drank, the building where he opened his law office (which burned down in 2013) and the building where Selman killed Hardin in 1895.\textsuperscript{532}

The Concordia Heritage Association, Six Guns and Shady Ladies, and the John Wesley Hardin Secret Society (probably consisting of the same members), have converted the graveyard into a theatre for the reinvention of history, where actors reenact the lives and times of Anglo pioneers, western heroes and prostitutes. The gunfighter and his sexualized counterpart always join forces in films, novels, and in Wild West shows because the female character is the one that gives meaning and purpose to the cowboy. He fights to gain her approval, he rescues her from peril, and he willingly marries her to rescue her from that profession and make a decent woman out of her. Women are therefore vital to the survival of the gunfighter as a viable character in the Wild West.\textsuperscript{533}

Every August 19\textsuperscript{th} the troupe reenacts the shootout that took place at the Acme Saloon between John Wesley Hardin and Constable John Selman. The actors representing cowboys,

\textsuperscript{531} The Concordia Heritage Association is responsible for maintaining the county-owned sections and security of the cemetery only. Any of the other private owners have to provide their own maintenance or pay the association for the upkeep of their sections.
\textsuperscript{532} \textit{El Paso Inc.}, May 18, 2011.
\textsuperscript{533} Slotkin, 206-7.
lawmen, and shady ladies are dressed in period clothing and the stage is set directly in front of Hardin’s grave. The narrator or “singing troubadour” plays a guitar and sings a ballad that describes the dreaded day that led to Hardin’s death (see illustration 6-1). The props include a gambling table, a bartender, and a long wood bar, while cowboys and shady ladies drink, gamble, and carry on. The scene as a whole is arranged to resemble something out of a Gunsmoke episode and what the actors believe El Paso’s landscape looked like during the 1890s.

The following is a brief account of the events that lead to Hardin’s death:

John Wesley Hardin moved to El Paso in April 1895 and lived there for the last four months of his life. He opened a law office when he arrived in El Paso and only had one client, Mrs. Beulah M’Rose. She hired Hardin to represent her husband, Martin M’Rose, who was hiding from U.S. authorities in Ciudad Juárez. The legend suggests that Hardin and Mrs. M’Rose fell in love and conspired to have Mr. M’Rose killed the moment he crossed the bridge into El Paso. Hired killers were waiting on the U.S. side and they ambushed Mr. M’Rose and murdered him. Allegedly, Constable Selman was hired by Hardin to murder Mr. M’Rose but then Hardin refused to pay him, and in retaliation, Selman arrested Beulah M’Rose for vagrancy and for carrying a weapon. When Hardin learned of the humiliation that his lover endured, he threatened to kill Selman and his family. On August 19, 1895, John Wesley Hardin was shaking dice at the Acme Saloon when Constable John Selman walked in with Mr. Shackelford. They stood at the opposite side of the bar and drank a whiskey as they watched Hardin watch them. Selman was waiting for Hardin to make the first move and the minute he saw Hardin reach for his gun, Selman shot him in the head.

The group of actors reenacts the scene described above, except the version they prefer to act out, shows Constable Selman sneaking into the Acme Saloon. They believe that Selman quietly entered the saloon and shot Hardin in the back of the head, denying Hardin a chance to defend himself. Hardin did not have the opportunity to face his nemesis in the dusty streets of the Wild West; therefore, Hardin became the victim of injustice. Which version describes the actual events of that night? Selman gave his rendering of the incident to a reporter of the El Paso Herald Post the morning after it occurred which is what was published in the newspaper.

Conversely, the actors from Six Guns and Shady Ladies believe that Selman crept in and shot Hardin in the back of the head. Carey McWilliams insightfully articulated that the reinvention of

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534 Sonnichsen, 91-108; El Paso Daily Herald, August 20, 1895.
Wild West history occurs year after year and every time the troupe reenacts the scene, something new is added, changed, or omitted.

In addition to reenacting the day John Wesley Hardin met his demise, the Concordia Heritage Association organizes a yearly “Walk Through History” day. Every third Saturday in October, the main paths of the cemetery are dotted with festival booths and makeshift buildings, including a jail house and saloon, as well as wagons taking tourists on hayrides travel up and down the pseudo western streets. Actors dressed in period costumes stand by specific gravesites, and as they speak in the first person, they recite vignettes describing the personality they bring to life. Mostly, individuals that association leaders believe impacted El Paso’s growth are those represented, which usually consists of prominent Anglo businessmen and women, lawmen, outlaws, and prostitutes of the 1880s and 90s. John Wesley Hardin, John Selman, Texas Rangers, Shady Ladies, and other outlaws comprise the main attraction during this celebration—much like the one held every August 19th—and throughout the day, scripted gunfights take place in the area of the cemetery known as the “Reenactor Corral.” Directly in front of the corral are numerous chairs under a canopy where tourists sit and enjoy the performances. In between skits the actors parade up and down the main paths and converse with the tourists and happily pose for pictures and recount their character’s past at the request of the curious onlookers (see illustrations 6-2 to 6-9).

Americans are infatuated with the idea of handsome outlaws, shootouts in saloons and on dusty western streets, train and bank robberies, and shady ladies, as well as any material culture that deals with the Wild West era. Tourists, adventurers, leaders, and journalists are lured by the myth and they aid in the continuous invention and reinvention of western history by patronizing

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535 October 2013, Walk Through History day, Concordia Cemetery, El Paso, Texas; [www.sixgunsandshadyladies.com](http://www.sixgunsandshadyladies.com).
western-themed events. The association and El Paso’s civic leaders are determined to keep the
myth of the Wild West alive and constantly remind visitors that El Paso was known as the “Six
Shooter Capital” or “Hell Paso” or that “West of Pecos there is no law; west of El Paso, there is
no God.” This is what lures tourists and their dollars to El Paso.  

Historian Hal Rothman suggests that “tourism triggers a contest for the soul of a
place…all places, even open prairies or rugged deserts have identities; people see and define
them.” The locally-owned businesses that surround the cemetery want to profit from the tourism
drawn in by the Wild West shows and subsequently have bought into the myth. The
dominant fulfills the demands made by tourists as well as to satisfy their own desires to stake a
claim on Wild West history. In the process they create,

[...] the seeds of its own destruction as more and more people seek the experience of an
authentic place transformed to seem more authentic. In search of lifestyle instead of life,
these seekers of identity and amenity transform what they touch beyond recognition.
Things that look the same are not the same; actions that are the same acquire different
meaning. In the process, tourists validate the transformation they cause; local will must
bend to them as it deflects them, fostering a grumbling social critique often indistinguishable
from nostalgia for the world they have demolished.

Tourism serves to encourage the reinvention of a historical past, and in their attempts to present
authentic history on cemetery grounds, the association tends to silence the majority of the people
buried at Concordia Cemetery.

The paupers, the nameless, the ordinary and those buried in mass graves are never
mentioned and no attention is drawn to the areas where these bodies have been laid to rest.
Highlighting the sections where the disenfranchised are interred does not appeal to tourists given

was also known as “Little Monaco” because there were so many casinos, houses of ill-repute and billiard parlors,
which drew people to this region even if it was only for a few days; Bill Harvey, Texas Cemeteries: The Resting
Places of Famous, Infamous, and Just Plain Interesting Texans (Austin: University of Texas Press, 2003), 112.
537  Hal K. Rothman, Devil’s Bargain: Tourism in the Twentieth-Century American West (Lawrence: University
538  Rothman., 27.
that they want to be entertained by fantastic stories of conquest. The reinvention of history underscores the actions of individuals like John Wesley Hardin, and although he lived in El Paso for only four months, a whole era in American history is recreated and validated demonstrating that there is power in the production of history. In the process, however, the establishment of the cemetery, its original owners, and the history of the land somehow loses its historical importance.  

      Western novels and films tend to distort reality and how people subsisted during the Wild West days. This period in American history cannot be represented as romantic or epic given that the lives of outlaws and prostitutes were far from being glamorous. Dime novel authors eventually favored writing about conflicts between outlaws and the law over the savage Indian themes that had dominated mainstream media since the end of the Civil War. The glorification of the Indian scout wore out and the criminal replaced him as the new western hero. The outlaw became a celebrity of sorts among the youth during the 1870s and city leaders cited outlawry as a factor that contributed to the rising rates of juvenile crime.  Both John Wesley Hardin and Billy the Kid were fifteen when they killed for the first time and most outlaws were either killed by another outlaw or by a lawman. Sheriff Pat Garret killed Billy the Kid at the age of twenty-one and John Wesley Hardin died at age forty-two but only because he served seventeen years in prison. He was released in 1894, and in 1895, Constable John Selman killed him. Dr. Sonnichsen suggests that the gunfights were not battles for law and order but rather the clashes

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539 Elliot West “Selling the Myth: Western Images in Advertising” *Montana: The Magazine of Western History* Vol. 46, No. 2 (Sum 1996), 36-49; Moses, 5.
540 Slotkin, 127-133.
involved the “elimination of each other by more-or-less professional killers.” The quickest draw lived to fight another day.

Moreover, the shootouts that took place in saloons, brothels or in open spaces were actually quite bloody. Entire communities were affected when criminals engaged in shootouts. Outlaws were heartless degenerates that had little respect for each other and even less respect for humankind, and they did not appear to be affected when innocent bystanders were caught in the cross fire and also lost their lives. In addition, countless women were widowed as a result of the confrontations between outlaws and lawmen and they were left destitute and alone to raise their children. Women of the west are generally overlooked and are not considered as having influenced the shaping of history; usually they are depicted as performing gender specific roles such as childrearing and filling positions related to domesticity.

Adding women to a male dominated west offers another dimension to western history. Although white men have been attributed with having “tamed” the West, historians Joan Jensen and Darlis Miller argue that white women joined the westward expansion movement and “gently tamed” the social conditions of the frontier. Jensen and Miller suggest that four different types of women populated the west: “gentle tamers, sunbonnet helpmates, hell-raisers, and bad women.” In Concordia Cemetery the Wild West shows portray all four types of white women. The wealthy women or the gentle tamers brought to life by actors during the walking tours are Octavia Magoffin, Joseph Magoffin’s wife, one of the wealthiest men of El Paso, and

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542 Slotkin, 247-8, 388. Slotkin suggests that some outlaws went “straight” after a stray bullet, possibly from their own gun, killed an innocent eyewitness.
Elizabeth P. Mundy, married to one of the Mundy men who engaged in the sale of livestock and acquired considerable real estate including forty-two acres of Concordia Cemetery land. The gentle tamers are credited with contributing to the arts and for introducing cultural values to the men and women of El Paso (see illustrations 6-10, 6-11).

Women homesteaders or sunbonnet helpmates traveled on the wagons that crossed the frontier, tired and sun burned. Homesteaders were “virtuous and strong both emotionally and physically [and] they endured pain and hardship with little complaint,” although it is hard to believe that women did not complain of overwork and being left alone or widowed (see illustration 6-12). The hellraisers, on the other hand, were not very common. They were the cowgirls—the Annie Oakley’s and Calamity Jane’s of the Wild West—who behaved more like men than women since they could “outride, outshoot, outcuss” even the best cowboy of the West (see illustration 6-13). Homesteaders and hell-raisers are peripheral to the show at Concordia and do not perform on stage but they are represented and visible nonetheless.

The more colorful and celebrated of the four types of white women in novels, films, and in Wild West shows are the prostitutes, or bad women. Two of the main characters portrayed at the shows in Concordia, are Beulah M’Rose, Hardin’s lover, and Madame Tillie Howard the most infamous of the shady ladies of El Paso (see illustrations 6-14, 6-15). Howard presumably had the best girls given that they were French and more sophisticated than the white prostitutes that migrated to El Paso from the east. Without the prostitute, however, the Wild West show at Concordia would not be as interesting nor would it draw as many tourists. They are as important to the show as the cowboy. Prostitutes were familiarized in dime novels and Hollywood movie makers incorporated them into the western landscape where they became a significant part of life.

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545 October 2013, Walk Through History Day.
546 Jensen and Darlis, 180-81; Walk through History day, October 2012.
in the Wild West. Historian Ronald Dean Miller finds that shady ladies “proved to be a
civilizing catalyst” especially since the only home to countless cowboys, miners, and ranchers
was the saloon. Madams in particular gained fame and notoriety in many frontier towns and
patrons were inclined to assert that they had hearts of gold. Madams were described as being
“honest, loyal, generous, compassionate, and revered by admirers who accorded [them] status as
great lad[ies].” The legend suggests that madams either died penniless or they became very
wealthy, while many others married lawmen or outlaws.

In reality, although the sex trade has existed since time immemorial, women of the west
were exploited and treated inhumanely. In this region, the first women that engaged in
prostitution during the colonial period were known as cholas and during Mexican rule they were
referred to as putas. After conquest, Mexican prostitutes were known as “crib girls.” They did
not work for madams and did not answer to pimps. They worked out of small adobe structures,
they paid fifty dollars a month rent and charged fifty cents to a dollar for “quicky” Johns.
Mexican crib girls made more money than bordello prostitutes due to the low overhead.
Nevertheless, they were susceptible to extreme abuse by their customers and they were treated
badly by city officials and were even disparaged by white prostitutes who felt they were
superior.

White prostitutes, on the other hand, trickled in with the advent of the railroad. There
were limited opportunities in a male dominated west and jobs for women usually included
laundry work, washerwoman, seamstress, servant girl, and cook. These paid very little and not

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548 Elliot West, “Scarlet West: The Oldest Profession in the Trans-Mississippi West” *Montana: The Magazine of
Western History* Vol. 31, No. 2 (Spring 1981), 16-27.
1-15, 156, 

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all white women wanted to be homemakers and mothers. Women were eventually forced to find secondary work and sexual services for money became the chosen alternative. White shady ladies typically lived and worked in bordellos. These prostitutes charged three to five dollars for a half-hour, considerably more than the local Mexican crib girls; nevertheless, they had a high overhead. They paid for rent, meals and laundry, and in addition, a cut of their earnings went to the Madam. More often than not, white prostitutes were always in debt to the madam. Sometimes madams physically abused the girls and often, they engaged in fist fights and even shootouts over money and customers. Brothel girls received their share of abuse by drunken customers and all prostitutes, regardless of color, ran the risk of contracting a venereal disease and many were addicted to opium.

In addition, owners of saloons, gambling houses, and dance halls, as well as pimps, madams, and prostitutes were required to pay a monthly fine to the City. The fine protected the women from getting arrested and it basically paid for a monthly license to practice their profession. Madams were given a whistle which they used to summon police officers when customers got out of hand, so in essence, the fine also provided police protection. Mayor Joseph Magoffin had a soft spot for prostitutes and usually had them released if they were ever arrested. He owned several houses in the red light district, which he rented to madams, and as long as they paid their rent and their fines he willingly protected them. The City relied heavily on the income generated by vice to pay the salaries and expenses of the Police Department and only until prohibition laws were passed in 1919 did the anti-prostitution ordinances come into effect.

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550 West, 23-4.
551 Frost, 76-80.
552 Frost, 115-119. The red light district was on Utah Street, now known as S. Mesa St. After prohibition laws were passed, prostitution dwindled in El Paso and pimps, prostitutes, and saloon owners moved south to Cd. Juárez, which is when it became a hub for vice and the red light district was known as the Mariscal.
Images of the west and the reenactments of the Wild West days do not reveal these realities. Prostitution has been accepted as a glamorous frontier business. Madams are described as entrepreneurs, psychologists, and politicians who balanced the demands of their employees, the customers, the competition, and the law and they fit the romanticized images created by promoters of the Wild West who engage in the invention and reinvention of history on a daily, monthly, and yearly basis. Madam Tillie Howard is described as an entrepreneur and a classy lady by the actor who portrays her at Concordia. She suggests that Howard went to South Africa with her girls and returned to El Paso with a large sum of money after having invested in diamonds there, and by 1911 the year she died, Howard owned considerable amount of real estate. What the association reenacts on cemetery grounds is the history of a civilized people who struggled with the challenges of the frontier, and as a result of their struggles, they were transformed into heroes and heroines.

The association currently has unquestionable control over the cemetery. The members have the power to enlighten tourists with tales of conquest and dominant views of history, simultaneously utilizing that same power to minimize or silence the history of the land and its people. Urban historian Dolores Hayden asserts that nonprofit organizations, such as the Concordia Heritage Association, should make it possible to preserve and celebrate disempowered history with equal dedication that they exert to ceremoniously reenact the Wild West days. Hayden emphasizes that,

[p]ublic space can help to nurture this more profound, subtle, and inclusive sense of what it means to be an American. Identity is intimately tied to memory: both our personal memories (where we have come from and where we have dwelt) and the collective or social memories interconnected with the histories of our families, neighbors, fellow workers, and ethnic communities.\[554\]

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553 October 2013, Walk Through History Day.
As guardians of Concordia Cemetery the association is obligated to preserve the histories of all eternal residents and not just that of a handful of colorful characters. They articulate El Paso’s history since the 1880s, which is defined by the arrival of the railroad along with outlaws, prostitutes, and Anglo entrepreneurs. People can redefine what the association has identified as a mainstream historical experience and into a discovery of ethnic and local histories and as a public place that validates all people as legitimate Americans.

Nevertheless, the Concordia Heritage Association, the performance group, and countless volunteers have worked tirelessly to improve the appearance of the cemetery. Their hard work has been recognized by several Texas institutions and the association and the performance troupe have received numerous awards for “capturing the spirit of the American West with authenticity, personality and humor by linking [western] history to [the] present.” The True West Magazine awarded them with the “Best Preserved Gravesite in the West” and the “Best Re-Enactment of the West” in 2010 and 2013. The following is how the magazine described the activities taking place at Concordia Cemetery:

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555 Recap of Concordia Cemetery Preservations Efforts, October 29, 2010.
556 Hayden, 11-15.
558 Other categories for 2010 include: Best Hotel in the West, Best Bed and Breakfast in the West, Best Tour Company Out West, Best Chance to Drive a Steam Locomotive, Best Preserved Fort in the West, Best Horse Trail Ride Out West, Best Horse Competition Out West, Best Vaquero Event, Best Annual Western Event, Best Living Photographer of the West, Best Living Cowboy Poet, Best Living Western Nonfiction Writer, Best Living Fiction Writer, Best Western Book Series, Best Auction House for Western Collectibles, Best Living Western Painter, Best Artist to Watch, Best Living Western Sculptor, Best Western Art Gallery, Best Photographer’s Field Trip Out West, Best Heritage Brand Launch, Best Living Women’s Period Clothing Fashion Designer, Best Living Men’s Period Clothing Fashion Designer, Best Living Men’s Fashion Designer, Best Living Western Accessory Designer, Best Western Bootmaker Manufacturer (won by Lucchese Boot Co. in El Paso, Texas), Best Living Western Hatmaker, Best Living Western Home Furnishings Designer, Best Western Home Lighting, Best Western Home Shopping on the Web, Best Western Movie Poster Art, Best Green Product Out West, Best Frontier Fare, Best Western Culinary Accessories, Best Café in the West, Best Restaurant in the West, Best Saloon in the West, Best Firearm of the West, Best Western Knives, Best Cowboy Action Firearm, Best Cowboy Action Gunleather Artisan, Best Living Cowboy Mounted Shooter, Best Living Single Action Shooter, Best Preservation Effort in the West, Best Living Indian Rights Crusader, Best Town Promoter, Best...
The ghosts of El Paso’s Concordia Cemetery protect the place. Well, actually, the ghost
tours should get the credit. For years, vandals damaged gravestones at the famous landmark;
repairs took most of the institution’s budget. In July 2008, the specter of a solution appeared
to the El Paso del Norte Paranormal Society—paid ghost tours of the cemetery. Between then
and last August, more than $10,000 was raised to restore and preserve the historic site, and
to bolster security. On top of that, the society contributes its efforts to the cemetery for free.
Now outlaw John Wesley Hardin…and lawman John Selman, and the Buffalo Soldiers and
the Texas Rangers who rest among the 60,000 souls buried here are getting some peace again.559

From their vignettes at the Farm and Ranch Heritage Museum in Las Cruces, New Mexico,
the Concordia Cemetery’s Halloween ghost tour in El Paso, Texas, and the O.K. Corral in
Tombstone, Arizona, this Wild West re-enactment group gets around. Bernie Sargent and
his wife Melissa formed the El Paso-based troupe in 1998 as an Old West traveling show
that roams throughout Texas and southern New Mexico. The group has nearly 50 skits in
its repertoire, including the 1881 “Four Dead in Five Seconds” shoot-out involving a possee
of Mexican vaqueros. The re-enactors pepper skits with humor and enjoy playing the role of
mythbusters. In short, they make local history fun, and they make the effort to bring their skits
to as many locales as possible. That’s the big, Texas-sized spirit for you!560

In addition, the association is a member of the Record, Investigate, and Protect (RIP) Program
sponsored by the Texas Historical Commission (THC), which encourages guardians to rescue
neglected cemeteries. RIP is a statewide network of cemetery preservation volunteers dedicated
to protecting historic burial grounds in Texas. The association has also obtained the Historic
Texas Cemetery (HTC) designation, which recognizes family and community graveyards and the
efforts made by institutions to “honor, record, and protect” Texas cemeteries.561

The magazine, the THC, RIP and HTC, however, establish the guidelines. The institution
leaders decide what aspects of Texas history are appropriate, which cemeteries best represent
Texas history, and which groups will be considered to receive awards and recognition. State
leaders dictate what time periods and what events define Texas history. Highlighting westward

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559 www.truewestmagazine.com, “True West Best of the West 2010 Winners”
560 Ibid. “Four Dead in Five Seconds,” according to local historian Owen White, involved a shootout between
Marshall Dallas Stoudenmire and an outlaw, where Mr. Campbell, Mr. Hale, Mr. Johnson, and an innocent
bystander were shot to death by Marshall Stoudemire in five seconds. White does not mention Mexican vaqueros
in this confrontation.
561 www.thc.state.tx.us.
expansion and the birth of western heroes, and relegating preexisting life and settlement to the peripheries, basically aligns with the ideas of Manifest Destiny and Frederick Jackson Turner’s Frontier Thesis. The association is engaged in reinventing western history year after year and they utilize the 1880s as their historical starting point, when El Paso according to local historians, transitioned from a sleepy town to a metropolis. The leaders celebrate the men and women—not indigenous to this region—that were transplants from the east or Europe and they commemorate those that had an influential impact in El Paso’s history socially, economically, and politically—only those that aid in the myth-making process are recognized.

Nevertheless, if one assumes the 1880s as a starting point, numerous other non-Anglo activities were transpiring during 1870s, 80s, and 90s. First and foremost, all fifty-two acres of Concordia Cemetery land and hundreds of acres of El Paso County land were sold to Anglo immigrants celebrated by the association. What tourists are not aware of is that wealthy Mexican women and men influenced the growth of El Paso through generations of trade networks and production and they owned a great majority of the property that transferred hands. The Stephenson-Ascárate legacy embodies the power of the local wealth; they should be the main attraction during the walking tours in Concordia Cemetery.

Secondly, this period is also defined by social banditry, incited by land encroachment and loss of resources, as well as by the denial of civil rights and forced repatriation. Furthermore, a Mexican labor force facilitated the industrial development that took place after 1880 and until the 1940s, the El Paso/Ciudad Juárez borderlands were known for the availability of a human workforce. Women made up for fifty percent of the working class and before white women migrated to the west, indigenous Mexican and Indian women filled the positions of gentle tamers, sunbonnet helpmates, hell-raisers, and bad women. Ethnic histories are not recognized
as being part of the American frontier experience and the roles of the marginalized in the taming of Wild West are systematically erased from our textbooks. Even cemetery associations avoid addressing disenfranchised histories and do not incorporate them into the walking tours, only white outlaws, lawmen, and prostitutes are portrayed and brought to life.

Through a combination of reenactments, advertisement, and Hollywood movies, the cowboy and the prostitute have become vital elements of western history. The Marlboro Man and John Wayne have long represented what Americans have embraced as the cowboy on a horse and the desert its playground. Although they are superficial representations they still serve as firm reminders of the mythic West. The reinvention of history has become part of the American experience and the use of so-called authentic images and live reenactments creates a cycle of myths, pseudo histories and romanticized fiction. Selling the Old West is a continuous process that involves erasing true-life individuals that inhabited the West before western heroes allegedly tamed and occupied it. Issues of identity, ethnic stereotypes, historical amnesia, and a lack of a humane society are the result of such efforts, and symbols like the frontier and its characters have come to possess a hegemonic hold over the American imagination.
Conclusion

This project challenges local histories written about the tricommercialized zone in terms of economic growth and the history of the land and its people. The zone was a geographical area that had thrived as a unit during the Colonial and Mexican periods, and although the Río Grande was transformed into a hostile international boundary after U.S. invasion, the region continued to function as a mutual community for decades. We have been indoctrinated with the idea that El Paso was sparsely populated and that it lacked commerce and activity until the arrival of the railroad. Nevertheless, this work demonstrates that a commercial cluster or community does not develop or become important overnight as local historians believe happened in the El Paso/Las Cruces area. This zone was an important thoroughfare and it served trade caravans coming from every direction on the Caminos Reales. The Spanish government utilized this junction as a link to the Northern provinces, while the area continued to be a vital geographical crossroads when it was part of Mexico, and its commercial significance has endured as a U.S. territory.

Concordia Cemetery, as part of a larger expanse of land, and the eternal residents it warehouses has aided in my attempts to redefine the boundaries of “acceptable history” as outlined by past historians and civic leaders. This cemetery is significant not only as a burial site, but because it stores the past and the memories of people that lived here before Anglo invasion and the subsequent arrival of the railroad, Anglo pioneers, gunfighters, prostitutes, and border vigilance groups. Concordia also reflects the diversity of culture, language, and religion that has come to define this part of the borderlands. It demonstrates that El Paso and the surrounding communities proved accommodating to immigrants while economic opportunities further provided a niche for people of all ethnicities to get established in an area that lent itself to growth. Little is known about the Mexican men and women that aided in the transition of this
region from Mexican Republic to U.S. territory and once post-war Anglo immigrants arrived and settled here trade networks had been long-established for over a century.

This work looks at the way that Chihuahua and New Mexico developed commercially, during the colonial period, utilizing Ignacio Azcárate’s activity as a merchant and citizen. The Concordia tract, the Ascárate Land Grant, and the life histories of the Stephenson-Ascárate descendants can be traced back to don Ignacio. Countless sources were examined to piece together the Stephenson-Ascárate family roots in an effort to create a well-deserved space for them in El Paso’s history and a space they also merit during the yearly walking tours that take place in Concordia Cemetery. Hugh Stephenson is referenced in a small number of articles and books, and as a whole, very little is known about him. Even less has been written about his wife, Juana María Ascárate, their seven offspring, and the Ascárate lineage that continued to thrive in the zone after 1848. This work legitimizes the existence of Rancho Concordia as a thriving community cluster that continued to grow as Anglo pioneers established economic roots in this area. The Stephenson’s provided shelter for the Anglo merchants that trekked through this territory and many profited—socially and economically—from the Mexican networks that Hugh Stephenson readily introduced them to. Anglos like Hugh helped other incoming whites achieve mobility and the cycle continued for decades until they succeeded in seizing power of the political and economic spheres.

This study fills in the interstitial spaces of history that have remained silenced for too many years. For example, it is a well-known historical fact that the Army of the West marched into Santa Fe, New Mexico, they conquered the territory and that no blood was shed. What is unfamiliar is that a commercial caravan consisting of thousands of merchants, caravan workers, servants and animals escorted the army into New Mexico. New Mexican citizens were not aware
that it was an invasion; they assumed that the yearly commercial caravan from Missouri had arrived. Only until Colonel Stephen W. Kearney read his proclamation in the town square did the people realize that the U.S. had invaded Mexico. Nevertheless, thousands of New Mexicans signed a petition one month later and sent it to the Mexican government protesting the Anglo presence and the conquest. The commercial caravan was used as a tactic to distract Mexican troops who had been guarding the Mexican border since 1841. The initial invasion was an economic one because the exchange of goods had been a long-established practice and the Camino Real roads facilitated the infiltration of Anglos who reached Mexico City by traveling on the Tierra Adentro route.

As Anglo populations spread throughout the borderlands, they concentrated on commercial growth in both conquered territory and across the international border where they tapped into the Mexican markets as well as permeated the social customs through intermarriage. Almost nothing is known about the Mexican women that Anglos married, and even less is known about the wealthy Mexican families whose financial support helped many of the Anglos succeed economically. The Mexican women Anglos married were raised in business-oriented environments and they helped shape the reputations of the so-called pioneers currently celebrated by local historians. Middle class and elite women of Mexican descent like Juana María Ascárate Stephenson and her daughters were smart and enterprising and they participated in the growth of the family business, they bought and sold real estate along with their Anglo husbands, and they made significant contributions to the social and economic growth of this region; they were not just wives and mothers or part of the working class. This region had a significant number of educated women and men of Mexican descent and historians have not been inclined to acknowledge this fact.
In addition, whenever possible this paper relies on literature written by Mexican historians. They have had an opportunity to analyze and address borderlands scholarship written by American historians. Mexican scholars have validated the experiences of Mexicanos and are producing historical narratives that offer new perspectives on the invasion and colonization processes of the borderlands. Their work is vital to understanding what ethnic Mexicans saw and what they endured during several stages of Anglo immigration and colonization along the borderlands given that people from both sides of the international border were profoundly affected regardless of nationality. Few if any primary documents, such as diaries and journals, exist that can deepen our understanding of their emotional state as conquered peoples who were tossed back and forth across the Río Grande and were basically “nationless.” Although as a whole we are aware of the land theft and the forced repatriation of thousands of Mexicans throughout the borderlands, a localized look at how colonization efforts occurred in this region fills in the voids and gives voice to the silences that exist in our local histories.

This work addresses the development of bandits and banditry in conquered territory to demonstrate that the Treaty of Guadalupe Hidalgo proved to be of little worth. Mexicanos were denied their rights to land, resources and liberties and after the courts proved futile they were forced into criminal activity for their survival. In this zone the majority of bandit activity developed during the 1870s when access to resources was impeded and when railroad representatives, either by force or through fraud, acquired thousands of acres of Ysleta and San Elizario land that belonged to Mexican American groups who had evaded forced repatriation efforts of the 1850s and 60s. Primary sources have provided a better understanding of the Mexican American experience as they were compelled to fight for their rights, and contrary to
the “bloodless conquest” hypothesis that is historically accepted, colonization of the borderlands is marked by resistance, bloodshed and loss of life.

Native Americans endured similar treatment. They lost the land which they had reclaimed during the Civil War, and those groups that did not comply with the government’s demands to relocate to reservations, were summarily exterminated. The Indians and their so-called savagery resulted from their easy access to arms and alcohol during the Mexican period, and since the trade treaties that kept Indians appeased during the colonial period were not renewed, Indian raiding and violent retaliation against conquest became a significant problem for both the U.S. and Mexican governments and it persisted into the 1890s.

Mexican banditry and Indian savagery are characteristics purportedly inherently in these groups. As expansionists plowed westward and land issues continued to cause violent friction between the civilized and the savage, the racially inferior were blamed by American politicians, businessmen, journalists, and Anglos in general, for their own oppression and extinction.

Justifying the violence perpetrated against Mexicanos and Indians by Anglo Americans influenced the creation of the American Myth. Myth-making originated in the east and novelists created a protagonist that embodied the free-will American individualist and one that occupied many roles, including Indian scouts, adventurers, traders, expansionists, gunslingers, border guards, and even pioneer parasites, all of which helped tame the frontier. These figures were given life through literature, both fictionalized and in academic prose, and increasingly the aim was to rationalize that the conditions of the frontier called for frontiersmen to learn to fight savagery utilizing the same barbaric tactics to exterminate them.

In addition, the process of inventing the American Myth included maintaining a concept of good versus evil. Therefore creating negative perceptions of conquered peoples in novels and
films was a powerful reminder that racial differences truly do matter, and implementing a racialization project that consisted of land disenfranchisement, denial of citizenship and civil rights, as well as through institutionalized racism in the courts and print media aided in cementing the idea of Americanism and racial superiority into people’s daily experiences. Myth-making also sells American lifestyles and creating landscapes that offer prime real estate and exclusivity like the Fantasy Heritage Myth or images that romanticize the past and its western heroes like the Myth of the Wild West has become a way to grant power to those that articulate these myths. Every effort must be made to retell, reinvent, and reenact the myth year after year, otherwise, it ceases to be a myth and the power it bestows on the leaders in charge of communicating the myth to the masses also ends. Ultimately, creating myths and inventing history serve to silence voices, words, and people and it erases the violent past as well as glosses over those same behaviors that continue to occur in the present.

The Concordia Heritage Association has unquestionable power over the Concordia Cemetery. They are perhaps the only cemetery association in the United States that exploits cemetery grounds to perform live Wild West Shows and their performances have become very popular attractions among tourists and locals. Although the association claims that their focus is to embrace El Paso’s historical heritage, a large gap of history is omitted every time they reenact El Paso’s Old West period. The Stephenson-Ascárate established Rancho Concordia and they impacted the social and economic growth of the region from the 1830s to the 1890s; however, the association shares very little of their history with the tourists during the walking tours. More attention is placed on the Anglo pioneers that arrived in El Paso after 1850, many of which are not buried in Concordia Cemetery, demonstrating that a selective past is being reenacted on burial grounds rather than highlighting the past of those buried there who deserve recognition.
The aims of the Concordia Heritage Association and their exploitation of Concordia Cemetery is not questioned by El Paso County politicians. As long as county funds are used for preservation efforts the association can exert its power over a sacred place and over the production of history. Performing shootouts on cemetery grounds has proved profitable for the association and entertaining for tourists, nonetheless, it is troublesome for others that view cemeteries as places where eternal residents deserve respect and because portions of the grounds and gravesites are being trampled during the walking tours and other events. A disparity exists between what tourists want and what the cemetery as a landscape that warehouses the past should be utilized as. Caring for the cemetery is a commendable effort but there are different social, cultural groups not represented in the functions that take place in Concordia and a period of our history and its people are being erased from memory, year after year.

This region has a long, rich past replete with people and events that need to be written into our history. Those in power commemorate the establishment of the missions in Ysleta, San Elizario, and Socorro, Texas. The Mission Trail Association offers tours to these missions that once dotted the Camino Real de Tierra Adentro route and tourists are enlightened with the history of their founding. Our organizers fast forward to the 1870s when El Paso’s leaders were preparing for the arrival of the railroad and when outlaws and outlawry had reached this part of the borderlands. The history of El Paso between the 1790 and the 1870s—almost one hundred years—is described as having been uneventful—this work challenges that historical stance.

While offering new insight on Concordia Cemetery, the Stephenson-Ascárate family, and myth-making processes at the localized level, there are more possibilities that can be pursued. For one, more sources written by Mexican scholars need to be incorporated into any research that deals with borderlands issues along the U.S.-Mexico border, regardless of time period. Mexican
historian Angela Moyano Pahissa and others offer antimythological facts about the U.S. invasion and the history of this region. They validate the voices of the disenfranchised which are vital when filling in the voids that exist in U.S. borderlands historiography.

Further, there is a need to incorporate ethnic women’s history into western history, not just working class women, but middle class and elite women that have not received the recognition they deserve. More research must be done that recognizes the role of Mexican and Mexican American women who were raised in privileged surroundings and helped in the economic advancement of this zone. Women took advantage of the economy opportunities and many became small business owners and succeeded in a male dominated environment, and although some Mexicanas became very wealthy as bordello owners, the majority engaged in other enterprises that included the trade in livestock and the mercantile industry.

Another possible approach would be to investigate how many Mexican and Mexican American men married Anglo women. An article in the Diario in 1890 criticized the Texas government for prohibiting American women from marrying men of Mexican heritage. In this part of the borderlands, intermarriage was a common practice principally if Anglo women were seeking to marry into Mexican wealth, like Anglo men had done since their arrival. Further, numerous Mexican and Mexican American men held political positions (including Jesús Flores and Manuel Flores both married to Stephenson-Ascárate women), they were members of political clubs and they fought to have a say in local politics. Analyzing the role of Mexican and Mexican American middle class men in this area and the extent of cultural intermingling with Anglo women would add another dimension to this study. In particular, the Ascárate men who moved to the Las Cruces, New Mexico area in the 1870s were well-known by the community and they held political positions at the local level. They maintained close ties with Horace,
Hugh, and Albert Stephenson who also engaged in local politics. The Ascárate descendants are important in terms of how Juan and Jacinto Ascárate were named original title holders of the Ascárate Grant and their role in the growth of the tricommercialized region. The Ascárates were the first fronterizos that migrated north before the Porfirian émigrés trickled north in the late 1870s.

Moreover, while investigating intermarriage, another issue needs to be addressed. Juana Márquez Dowell was a Tigua Indian living in Rancho Concordia during the 1850s when she met and married Benjamin S. Dowell, founder of Smithville. Juana was nineteen years old at the time and it is not clear if she was employed by the Stephenson’s, if she was a renter, or if she was entrusted to the Stephenson’s by her father. After Juana and Ben married, Dowell established a saloon and billiard parlor on El Paso Street and Juana helped manage the businesses. This union adds another dynamic into the already culturally diverse environment that included unions between Anglo men and Mexican women and Chinese men and Mexican women. To what extent did Anglo men and Indian women cohabit and what type of relationships did the Tigua and other tribes have with the merchants of this region? Genealogy records, court records, and marriage records can help answer some of these questions posed above and investigating the municipal archives further, can provide a broader picture of the social intermingling between the different racial groups that lived in this area.

Another question that emerges when inquiring about the romantic liaisons between racial groups deals with how families handled the differences in cultural practices and how did Anglos relate to their wives’ relatives? Was there animosity, racism, discrimination, or was there a general acceptance between both cultures? Juana María Stephenson wanted her children to learn English after the U.S. invaded Mexico, while the majority of her granddaughters later married
Anglo men. Some studies suggest that the Anglo culture dominated after conquest but the conterminous relationship that exists in this zone makes the erasure of culture and language almost impossible. Did cultural practices blend among the middle classes or did elite Mexican and Mexican Americans allow for the erasure of their heritage in future generations like our historians have done with ethnic Mexican history?

Concordia cemetery is an amazing landscape that offers boundless histories of people, events, cultural practices, and it also emphasizes the value of land. The majority of its eternal residents represent the people that lived and thrived here, and redefining the burial grounds as a boothill cemetery and one that mostly stores the bodies of gunslingers, outlaws, and prostitutes, silence the past and its people. Nonetheless, Mexican groups do not own their private burial sections like the immigrants that migrated to this zone and had the means to acquire private cemetery sections of Concordia. The act of myth-making needs to be a continuous activity and so do acts of racism, discrimination, and segregation, and in the cemetery the grave sites that store paupers and the nameless are indicative of the continuous efforts made by our leaders to maintain a social and economic division in life as well as in death.

Images of the Wild West and its heroes were fully supplanted into U.S. popular culture by the 1930s. Attempting to change these powerful images will undoubtedly lead to barriers particularly since the Myth of the Wild West is continuously reinvented and because people, regardless of racial background, are drawn in by the romanticized west and what it has been invented to represent. Every time the myth is relived, retold, and reinvented through Wild West shows, rodeos, fiestas, and ghost tours, it adds a new dimension to the western myth and makes it stronger and more popular. It also reinforces the power people have over the production of history; they have no intention of capturing the authentic past because the truth does not attract
tourism or their dollars. The role of a historian, however, is to expose the past, validate the existence of people, and write a historical narrative that relies on archives rather than legends, which will simultaneously expose inaccuracies, exaggerations, and myths.
Introduction

El Paso Historical Society. Picture of Ruins of San Concordia el Alto Chapel (ca 1930s).
Concordia Cemetery Historical Marker, Located at the Main Entrance of Concordia Cemetery on Yandell Street (photo taken by author).
Entrance to Mt. Sinai Cemetery, Located on Gateway West (photo taken by author).
Inside Mt. Sinai Cemetery--B’nai Zion Cemetery is Adjacent to this Entrance and has Similar Landscape and Entrance Gates (photo taken by author).
John J. Mundy Section (photo taken by author).
Benancia Stephenson-Ascárate (French) and Descendants (photo taken by author).
Juana María Ascárate Stephenson Grave Marker, Located in the Main Entrance on Yandell Street (photo taken by author).
Entrance to Chinese Cemetery (photo taken by author).
Inside the Chinese Cemetery, Raised-top Tombstones with Chinese Symbols (photo taken by author).
Buffalo Soldiers Memorial (photo taken by author).
Mormon Section (photo taken by author).
Jesuit Section (photo taken by author).
Paupers Cemetery, El Paso County Section (photo taken by author).
Booth Placed on Top of Graves (photo taken by author).
Map of Tierra Adentro Route, [www.txhistjuandeonate.weebly.com](http://www.txhistjuandeonate.weebly.com).
Map of Santa Fe Trail, [www.nps.gov](http://www.nps.gov).
CHAPTER 3

CHAPTER 5

Image of John Wesley Hardin, [www.texansunited.com](http://www.texansunited.com).
CHAPTER 6

Singing Troubadour (photo taken by author).
Actor Portraying John Wesley Hardin (photo taken by author).
John Wesley Hardin Gravesite and Shrine (photo taken by author).
Actor Portraying Constable John Selman (photo taken by author).
Actors Portraying a Gambler, a Shady Lady, and Doc Holliday’s Ghost (photo taken by author).
Actor Portraying a Gunslinger Chugging Pass Whiskey (photo taken by author).
Actors Engaged in Gunfight at the Reenactors Corral (photo taken by author).
Actors Gambling, Drinking, and Carrying-On at Reenactors Corral (photo taken by author).
Actor Portraying a Law Officer Standing Next to Jail House (photo taken by author).
Actor Portraying Octavia Magoffin, (photo taken by author).
Actor Portraying Mrs. John Mundy, (photo taken by author).
Actors Portraying Sunbonnet Helpers, (photo taken by author).
Actors Portraying Annie Oakley and Calamity Jane, (photo taken by author).
Actor Portraying Beulah M’Rose, (photo taken by author).
Actor Portraying Madame Tillie Howard, (photo taken by author).
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Curriculum Vita

Nancy González was born in the El Paso-Ciudad Juárez borderlands region. She was raised to speak Spanish and English or Spanglish or Ingleñol and every two weeks she traveled with her parents and siblings to Ciudad Juárez to eat, buy groceries and visit extended family. Living along the borderlands has become an integral part of her lifestyle. She received her Bachelor of Arts degree in Chicano Studies from the University of Texas, El Paso in 1999. In 2000, she moved to Albuquerque, New Mexico where she attended the University of New Mexico and received her Master of Arts degree in 2003. She began the Ph.D. Program in Borderlands History at UTEP in 2004.

Permanent Address:  626 Kerbey Avenue

El Paso, Texas  79902