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OF THE PORFIRIO DÍAZ GOVERNMENT, 1876-1878

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OF THE PORFIRIO DÍAZ GOVERNMENT, 1876-1878

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CHAPTER I

INTRODUCTION

The revolution by Díaz in 1876 necessitated a recognition policy decision by the United States, the first such decision concerning a Mexican government since 1865. From 1823 until 1858, the United States had recognized thirty-six different governments in Mexico "with little delay or hesitation."<sup>1</sup> If there were a change in authority by revolution or other means at Mexico City, the rest of the nation usually acknowledged the new government. And the United States, without exception, quickly extended official recognition to each succeeding de facto change at the capital. This procedure was not strictly followed during the period from 1858 to 1867. During the War of Reform and the French intervention the

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<sup>1</sup>Stuart Alexander MacCorkle, American Policy of Recognition Towards Mexico (Johns Hopkins University Studies in Historical and Political Science, vol. LI, No. 3; Baltimore: The Johns Hopkins Press, 1933), 66.

United States government recognized the Juárez government, although Mexico City was controlled by opposing elements. But in both instances, a large portion of the population supported Juárez and opposed the government at the capital.<sup>2</sup> In 1865, Secretary of State William H. Seward rejected the application of the Maximilian government for recognition and refused to receive the agent sent by Maximilian to secure recognition. Seward explained that force and not the free will of the people maintained the Empire.<sup>3</sup>

The act of recognition, a political and not a legal matter, was non-obligatory.<sup>4</sup> However, the established practice of the United States, at least since the administration of Thomas Jefferson, was recognition of de facto governments. This was consistent with the young nation's commitment to popular sovereignty and its revolutionary origin. The legitimacy of origin never entered into a recognition decision. The only factors considered were stability, probable permanency, popular approval, and fulfillment of international

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<sup>2</sup>Ibid., 54.

<sup>3</sup>Ibid., 61-62.

<sup>4</sup>John Bassett Moore, A Digest of International Law (8 volumes; Washington: Government Printing Office, 1906), I, 72; Julius Goebel, The Recognition Policy of the United States (New York: Longmans, Green and Company, 1915), 63, 65.

obligations. If a new government appeared, from any origin, and demonstrated the ability to command at least temporary obedience, the United States extended recognition. The existence of stability and permanency was interpreted very liberally, and it was assumed that obedience indicated acceptance by the popular will. If these conditions prevailed, it was accepted that the international obligations, as a matter of course, could and would be fulfilled. The liberal application of the de facto principle on occasion approached premature recognition,<sup>5</sup> which could be considered an act of intervention and as such a casus belli.<sup>6</sup>

During the period William H. Seward served as Secretary of State, the liberal trend was temporarily reversed and a strict interpretation applied to the traditional prerequisites. The concern over possible recognition of the Confederacy, probably, accounted for Seward's deviation from the established mode. Seward issued warnings that premature recognition of the Confederacy would be regarded as an act of intervention. In addition, Seward, possibly to demonstrate consistency, adopted a more cautious policy of recognition.

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<sup>5</sup>Ibid., 71, 99-100.

<sup>6</sup>Moore, A Digest of International Law, 73.

The caution and strict interpretation took the form of insistence upon formal legalization of revolutionary changes. With the conclusion of the Civil War and the replacement of Seward, the United States seemed to be returning to the liberal policy with recognition little more than a formality.<sup>7</sup> However, the United States response to the Díaz revolution produced a major deviation from the liberal de facto policy.<sup>8</sup>

#### 1876: Revolution in Mexico

The restoration of the Mexican Republic in 1867 marked the triumph of the anti-clerical Laws of Reform (1855-56) and the Constitution of 1857. The restoration ended a twelve year conflict which included over three years of civil war (War of Reform 1857-60) and a six year struggle against foreign domination (1862-67).

With the conservative elements identified with reaction and foreign intervention, the Liberal Party emerged as the only patriotic national party. By 1867, however, if not before, it was evident that the Party did not enjoy homogeneity or harmony. Benito Juárez, the leader of the long struggle

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<sup>7</sup>Goebel, Recognition Policy of the United States, 170-173.

<sup>8</sup>Ibid., 203-206; MacCorkle, American Policy of Recognition Towards Mexico, 81.

for reform and liberation, continued as President after 1867, a position he held since 1857. Juárez's prestige prevented factional differences from erupting into revolutionary activity, but his personality and policies did little to reconcile the dissident elements.

The Juárez administration vigorously suppressed the frequent outbreaks by unrewarded veterans of the war against foreign intervention and the localistic resistance to the new centralizing policies of the Liberals. But as the time for the Presidential election of 1871 approached, the Liberal factions, no longer willing to accept the indispensability of Juárez, maneuvered for the prize.<sup>9</sup>

Sebastián Lerdo de Tejada y Corral, President of the Supreme Court and Minister of Foreign Relations and Government, on January 22, 1871, resigned his ministerial posts, which he had held since 1863, to assume leadership of the "party of intelligence." General Porfirio Díaz, the most important military commander of the war of intervention, came out of semi-retirement in Oaxaca to enter the contest. None of the candidates secured a majority of the electoral

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<sup>9</sup>Henry B. Parkes, A History of Mexico (Boston: Houghton Mifflin Co., 1938), 277-78; Wilfrid H. Callcott, Liberalism in Mexico, 1857-1929 (Stanford: Stanford University Press, 1931), 77-78, 85-86.

vote and on October 12, 1871, Congress selected Juárez for another term. The Lerdists labeled the re-election anti-democratic but accepted the result. Lerdo continued to serve as President of the Supreme Court and as such ex officio vice-President.<sup>10</sup>

The Porfiristas, however, denounced the election as fraudulent and appealed to revolution. On November 8, 1871, Díaz, assuming open leadership of the revolutionary protest, proclaimed the plan of La Noria. The significant provisions of the plan demanded effective suffrage and no re-election. The death of Juárez on July 18, 1872, and Lerdo's subsequent succession to the presidency removed the announced reasons for the already waning La Noria insurrection. In October, 1872, in a special election, Lerdo was elected President with virtually no opposition. His term was to expire on November 30, 1876. On November 26, 1872, Díaz accepted the amnesty offered by Lerdo and again retired to an estate near Tlacotalpan.<sup>11</sup>

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<sup>10</sup>Frank A. Knapp, "The Life of Sebastian Lerdo de Tejada, 1823-1889: A Study of Influence and Obscurity," (Ph.D. dissertation. University of Texas, 1950). Published by the University of Texas Press in 1951), 292-296, 301-305. Hereafter cited as Knapp, Lerdo de Tejada.

<sup>11</sup>Callcott, Liberalism in Mexico, 89; James Creelman, Díaz, Master of Mexico (New York: D. Appleton and Co., 1911), 326.

During the first three years of the Lerdo administration, Mexico experienced unprecedented tranquility and obedience to national authority. The peace was disturbed significantly only by the uprising led by Manuel Lozada, the cacique of Alica in the district of Tepic, religious unrest in Michoacán, and sporadic local disturbances. The Lozada rebellion was checked on January 28, 1873, in the battle of Majonera outside Guadalajara. The "Tiger of Alica" was captured and executed the following July. The religious strife in Michoacán, while remaining localized, continued into 1876 and proved to be the most persistent source of trouble. The local disturbances, growing out of state political rivalries and opposition to the extremely centralistic policies of Lerdo, increased significantly in the summer and fall of 1875.<sup>12</sup>

John W. Foster, the United States Envoy Extraordinary and Minister Plenipotentiary to Mexico, on September 27, 1875, observed that the local revolutions and armed disturbances recently reached proportions greater than at any previous time since Lerdo assumed the Presidency. However,

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<sup>12</sup>Callcott, Liberalism in Mexico, 97; Knapp, Lerdo de Tejada, 329, 359-361; Hubert Howe Bancroft, The Works of Hubert Howe Bancroft (39 vols.; New York: The History Company, 1886-1891), XIV, 399, 408-413. Hereafter cited as Bancroft, Works.

Foster believed the disorders were local in nature and mostly confined to guerrilla action against the authorities. Potentially the most serious conflict seemed to be in the state of Jalisco. Ignacio Vallarta, former governor and Senator elect from Jalisco, was the leader of the anti-administration party. The struggle intensified when the national congress rejected the anti-Lerdist congressional slate, including Vallarta. Another grievance was the refusal of Lerdo to permit re-incorporation of Tepic into Jalisco.<sup>13</sup> The state divided into armed camps after two state governments were organized following the December, 1875, elections.

The nearness of the presidential election, scheduled for June and July, 1876, probably contributed to the increasing breakdown of national authority. Lerdo's apparent, but unannounced, decision to seek re-election provided justification for those elements resorting to violence. In addition, crop failures and a general economic stagnation created further unrest and provided ready recruits for the insurrections.

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<sup>13</sup>Ibid., 403, 418; Knapp, Lerdo de Tejada, 357-358, 361; Callcott, Liberalism in Mexico, 99; John Watson Foster to Hamilton Fish, September 27, 1875. Diplomatic Despatches (Mexico). The National Archives. Hereafter cited as Mexican Despatches.

Lerdo in taking action to counteract the breakdown in authority was hampered by his own commitment to legality. His use of the "Extra-ordinary Faculties" in War and Treasury granted by congress was confined, largely, to revenue raising measures. The retention of Juaristas in important positions and Lerdo's aloofness from partisan policies alienated many of his original supporters without attracting compensatory support.<sup>14</sup>

By the end of December, 1876, the activities of Porfirio Díaz provided a new dimension to the local disturbances. The previous October, Díaz professing fear of arrest, left the capital and traveled to Brownsville by way of New Orleans. During December, 1875, he and close associates, like Manuel Gonzáles, intrigued along the Rio Grande stimulating reports of an impending revolutionary pronouncement.<sup>15</sup> The speculation was confirmed on January 15, 1876, with the proclamation of the plan of Tuxtepec in the state of Oaxaca by Fidencio Hernández, cacique of Tuxtlan. The plan named Díaz

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<sup>14</sup>Foster to Fish, November 8, 1875. Mexican Despatches; Knapp, Lerdo de Tejada, 319, 329, 379, 465; Parkes, History of Mexico, 283; Bancroft, Works, XIV, 402-403; Callcott, Liberalism in Mexico, 90.

<sup>15</sup>Foster to Fish, February 2, 1876. Mexican Despatches; Bancroft, Works, XIV, 419.

commander of the "regenerating army." Almost two weeks passed before Hernández gave the pronunciamento meaning by advancing on the city of Oaxaca with a crudely armed band of Indians. On January 28, 1876, the rebels took possession of Oaxaca and the subsequent repulsion of a federal force under General Ignacio Alatorre encouraged further uprisings. By the end of March, every state in Mexico had experienced armed disturbances. On March 22, Díaz at Palo Blanco, a farm near Matamoras, publicly adhered to the plan of Tuxtepec and issued an amended version of the plan.<sup>16</sup>

The Tuxtepec-Palo Blanco program reiterated the La Noria appeal for general suffrage and no re-election. The unpopular measures of the Lerdo administration were singled out for condemnation. These included electoral manipulation, dictatorial use of extraordinary powers, violations of state sovereignty, excessive interference in municipal government, and concessions to foreign interests deemed detrimental to the welfare of the nation. Specifically, the plans denounced the concession to the British controlled Veracruz Railway Company, the allegedly contemplated recognition of the claims

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<sup>16</sup>Knapp, Lerdo de Tejada, 466-468; Foster to Fish, February 25, and April 22, 1876. Mexican Despatches; José F. Godoy, Porfirio Diaz, President of Mexico (New York: G.P. Putnman's Sons, 1910), 25.

of English bondholders, and the rumored consideration of a proposal to sell the Mexican debt to United States interests. Article ten of the amended plan authorized Díaz to serve as commander-in-chief of the "regenerating army." Article six offered José María Iglesias, President of the Supreme Court, the position of provisional president if he would, within one month, publicly accept the program. In a letter, dated April 8, published in the Diario Oficial, the official government journal, Iglesias rejected the offer and expressed opposition to any "revolutionary plan." The calling of elections after the triumph of the revolution was promised within two months after the occupation of the capital.<sup>17</sup> The restoration power struggle was now entering its final phase.

Díaz, after issuing the modified program, proceeded to Matamoras. On April 2, 1876, Matamoras fell to the small band of Tuxtepecanos. The victory proved to be shortlived. General Mariano Escobedo, the most trusted of Lerdo's military commanders, advanced on Matamoras with over six thousand federal troops. On May 19, Díaz and his supporters abandoned Matamoras. After leading a march toward Monterey, Díaz decided to return to Texas and ordered González to march

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<sup>17</sup>Bancroft, Works, 419-421.

south with a small force. Díaz traveled to New Orleans and then by steamer to Mexico, narrowly averting capture at both Tampico and Veracruz. He arrived in Veracruz on June 27 and early in July reached Oaxaca.<sup>18</sup>

Despite financial shortages, a lack of capable leaders, and the questionable loyalty of some high officials, the government forces restored a semblance of peace by the end of May. Michoacán was pacified for the first time since 1874. Order was restored in Jalisco after the proclamation of martial law on February 9, 1876, and the appointment of a military governor, General José Ceballos. Federal forces under the command of General Escobedo restored order in Michoacán and Tamaulipas. The Díaz adherents suffered defeat in Nuevo León. Alatorre, although never achieving a decisive victory, managed to prevent any further gains by the Porfiristas in Oaxaca. In an attempt to meet the financial needs, Lerdo declared a special tax and leased the government mints of Guanajuato, Zacatecas, and San Luis Potosí.<sup>19</sup>

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<sup>18</sup>Ibid., 423-424; Foster to Fish, May 27, 1876 and July 15, 1876. Mexican Despatches.

<sup>19</sup>Knapp, Lerdo de Tejada, 469-473; Foster to Fish, February 25 and March 11, 1876. Mexican Despatches.

The elections were conducted in an atmosphere of suspended hostilities. The opposition avoided open fighting, organized, and waited for the expected announcement of Lerdo's re-election. On Sunday, June 25, 1876, the presidential electors were chosen and on July 9 they convened to cast their votes. The only individual, other than Lerdo, who received mention as a candidate was General Ignacio Mejía, the Minister of War. Because of the revolutionary conditions that prevailed, only 135 of the 231 electoral districts reported. The 135 districts returned 8,288 electors. Lerdo received 7,536 to only 752 for opposition candidates. Mexican electoral law required a majority of the total electoral vote for election and the total number of electors selected was insufficient.<sup>20</sup>

Since Lerdo lacked the required majority, on October 26, the Chamber of Deputies resolved itself into an Electoral College. After the report of the Examining Committee on Elections, Lerdo was declared elected by a vote of 123 to 49. Apparently, to ensure Congressional approval of his re-election, Lerdo on August 31, reorganized the cabinet. The

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<sup>20</sup>Foster to Fish, June 22, 1876. Mexican Despatches; Richardson to Fish, August 26 and September 18, 1876. Mexican Despatches; Bancroft, Works, XIV, 424-425.

prominent Juaristas were replaced with persons more closely identified with the Lerdist party. The most significant change was the appointment of Escobedo to replace Mejía. A factor in the decision to effect a change in the War Department was the alleged "passive defection" by Mejía. Because of his identification with the strict constitutionalists, Mejía was not a dependable supporter of re-election.<sup>21</sup>

On October 28, the action of the Deputies was announced and the presidential oath of office administered. The opposition condemned the re-election as being fraudulent, farcical, and illegal but no significant military action occurred immediately. However, an event which was to prove far more important than military engagements occurred on October 28. The previous day, José María Iglesias, President of the Supreme Court, unsuccessfully sought judicial nullification of the election. In protest, Iglesias resigned from the Supreme Court and on the twenty-eighth departed from the capital for Guanajuato. At Salamanca, Iglesias issued a manifesto to the nation declaring the re-election illegal. Invoking Article seventy-nine of the Constitution,

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<sup>21</sup>Knapp, Lerdo de Tejada, 472, 477; Bancroft, Works, XIV, 425; Richardson to Fish, August 26, 1876 and September 7, 1876. Mexican Despatches.

he assumed the position of provisional presidency ad interim. The slogan of the movement was "above the Constitution nothing, above the Constitution no one."<sup>22</sup>

The action by Iglesias was expected and probably contributed to the temporary suspension of hostilities. Lerdo and Iglesias had been engaged in a constitutional and personal political struggle since 1874. The major issue revolved around whether Congress or the Supreme Court possessed authority over contested elections. On May 18, 1875, Congress enacted a law specifically vesting authority in Congress as the final arbiter in electoral disputes. In protest, Iglesias offered to resign. Although persuaded not to resign, Iglesias refused to accept the constitutionality of the law. Personal differences and litigation, involving patronage and restrictions on the press, aggravated the contest between the executive and judicial branches. By 1876, Iglesias, as a result of his official position and the struggle with Lerdo, emerged as the leader of the strict constitutionalists in their opposition to the re-election

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<sup>22</sup>Richardson to Fish, November 28, 1876. Mexican Despatches; Knapp, Lerdo de Tejada, 482.

of Lerdo.<sup>23</sup> When the Supreme Court, in 1876, failed to sustain his interpretation of the electoral law, Iglesias appealed to revolution.

After issuing the Salamanca manifesto, Iglesias proceeded to the state of Guanajuato. On October 31, the governor and legislature endorsed the "constitutional revolution." Iglesias established a provisional government at the city of Guanajuato. A number of the anti-Lerdist Deputies joined the Salamanca movement. In November, the state governments of Aguascalientes and Queretaro announced their adherence to Iglesias.<sup>24</sup> The Salamanca manifesto dealt the deathblow to the Lerdo government and more than any single event was responsible for the success of the Tuxtepec revolution. The pronunciamento by Iglesias triggered a series of defections from the administration, provided a respectable front for the personalistic opposition to Lerdo, and obligated

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<sup>23</sup>Bancroft, Works, XIV, 416, 423; Knapp, Lerdo de Tejada, 381-385; Callcott, Liberalism in Mexico, 99; Foster to Fish, July 15, 1876, and September 23, 1875. Mexican Despatches.

<sup>24</sup>Foster to Fish, November 11, 1876. Mexican Despatches; Callcott, Liberalism in Mexico, 100; Knapp, Lerdo de Tejada, 482. In despatch No. 457, Foster enclosed translated copies of the Examining Committee on Elections (majority and minority reports), the re-election decree, the Salamanca manifesto, and the program of government issued by Iglesias at Guanajuato.

the government to divide its beleaguered forces.<sup>25</sup>

An accommodation between Díaz and Iglesias seemed imminent by early November. It was assumed that Iglesias would become provisional president with Díaz serving as commander in chief. The two pronunciados were engaged in negotiations, when Díaz, unexpectedly, gained the initiative and made agreement unlikely. In the mountains of Oaxaca early on the morning of November 16, General Alatorre, commander of the Army of the East, engaged the main Díaz army, near the ranch of Tecoac. The artillery superiority possessed by the government forces had the Tuxtepecanos close to defeat, when González arrived with re-enforcements and in a surprise attack turned apparent defeat into victory. The battle of Tecoac gave Díaz the advantage over Iglesias and diminished the prospects of compromise.<sup>26</sup> Having defeated the principal army of the "re-electionists," the Díaz revolutionists, increasing in numbers and confidence, prepared for a seige of the capital.

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<sup>25</sup>Knapp, Lerdo de Tejada, 462-463, 483; Parkes, History of Mexico, 283. E. Alex-Tweedie in her book, The Maker of Modern Mexico: Porfirio Diaz (New York: John Lane Company, 1906) on page 251 stated the Iglesias government was "never a formidable factor in the melee."

<sup>26</sup>Foster to Fish, November 28, 1876. Mexican Despatches; Knapp, Lerdo de Tejada, 486-487.

Lerdo, after briefly considering the possibility of making a stand in the capital, decided to put the government on the road. The fate of Lerdo was probably already determined prior to the battle of Tecuac, since Alatorre was fighting more for his own presidential ambitions than for Lerdo. Factors in the decision to abandon Mexico City included defeats in Tamaulipas and the defection, on November 18, of the Puebla garrison. Also, there was a little vindictiveness involved. Lerdo, believing his old and close associate, Iglesias, was responsible for his defeat, exacted a measure of revenge by turning the capital over to Díaz.<sup>27</sup>

On November 18, 1876, the Mexican Congress, in secret session, gave Lerdo a vote of confidence and proclaimed his de jure right to the presidency. The capital was turned over to the Tuxtepecanos to ensure order prior to occupation. General Luis Mier y Terán<sup>28</sup> was sent to inform Díaz of the evacuation of Mexico City by the "re-electionists." About two o'clock on the morning of the twenty-first, Lerdo accompanied by a few close associates, the cabinet,

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<sup>27</sup>Ibid., 484-486, 488-489.

<sup>28</sup>Terán, a Tuxtepecano, had been a prisoner in the capital since early in 1876.

congressional supporters, and a cavalry escort set out for Toluca. From Toluca, the entourage proceeded without incident to Moralia, the capital of Michoacán, and then south to Acapulco.

Díaz, in Puebla preparing for the anticipated siege of the capital, received, on the morning of November 21, the news of Lerdo's departure. Surprised and unprepared, Díaz did not enter Mexico City until the afternoon of the twenty-third.<sup>29</sup> The victory at Tecoac and possession of the capital tremendously strengthened the position of the Tuxtepec movement. The only remaining organized opposition was the Iglesistas.

Representatives of the two pronunciados had been conducting serious negotiations for over two weeks. Briefly, prior to Tecoac, it seemed that an agreement was possible. On November 7, agents of the two claimants signed the Convention of Acatlan. The convention, in effect, reactivated Article six of Palo Blanco. Iglesias was to become provisional

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<sup>29</sup>Knapp, Lerdo de Tejada, 489-492; Foster to Fish, November 28, 1876. Mexican Despatches; Bancroft, Works, XIV, 428. Parkes in his History of Mexico stated the battle of Tecoac occurred in October and that Díaz entered the capital on November 21. The New York Tribune on December 11, 1876, page one, inaccurately stated that Lerdo and his small band had been captured. The report claimed Escobedo and several others had been killed.

president ad interim of a government based on the provisions of Palo Blanco. Díaz would be named commander in chief of the revolutionary armies and Tuxtepecanos would be appointed to key cabinet positions. However, Iglesias, after being informed of the agreement on November 16, refused to accede to the plan of Tuxtepec-Palo Blanco without some modifications and explanations. By the time Díaz learned of the action by Iglesias, his position was strengthened so substantially that he was in a position to demand unconditional acceptance.

At three o'clock on the afternoon of November 27, 1876, Díaz proclaimed the Tuxtepec-Palo Blanco plan as the new government's basis. This virtually eliminated any possibility of an agreement with the Salamanca government. In a telegraphic conference, on Wednesday, November 28, the representatives of Díaz presented the plan to Iglesias in a manner closely resembling an ultimatum. Iglesias, remaining firm in his opposition to a revolutionary pronunciamento being given precedence over the constitution, rejected the offer and the negotiations ended. The following day, Díaz declared himself Provisional President and General-in-Chief of the National and Constitutional Army of the United Mexican States. The same day it was announced that a cabinet had

been formed, although no names were released.<sup>30</sup>

After organizing a provisional government, on December 8, Díaz left the capital to command the army against the Guanajuato government. On December 6, a decree had been issued placing General Juan N. Méndez in charge, ad interim, of the government at the capital. Queretaro, the first objective of the "army of regeneration," fell without resistance, after the advance guard defected. On December 21, 1876, a final attempt at compromise was made. Díaz and Iglesias met at the Capilla hacienda near the city of Queretaro, but no agreement could be reached.

As the Salamanca movement collapsed, other states supported Díaz, including Zacatecas, San Luis Potosí, Nuevo León, Coahuila, and Tamaulipas. On January 2, on the border of Guanajuato and Jalisco, the main force of the Iglesistas, under General Antillón was defeated and the army surrendered the same day.<sup>31</sup> With all significant organized military support having disappeared, and lacking sufficient finances to raise another army, Iglesias fled to Guadalajara, the

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<sup>30</sup>Foster to Fish, November 29 and December 9, 1876. Mexican Despatches. Enclosed are translated accounts, written by Díaz and Iglesias, of the negotiations.

<sup>31</sup>Foster to Fish, December 30, 1876, and January 5, 1877 (telegram). Mexican Despatches; Bancroft, Works, XIV, 431-432.

capital of Jalisco. Díaz entered Guadalajara on January 9, but Iglesias had already departed for Manzanillo on his way to Mazatlán in Sinaloa. On January 15, Díaz supporters in Sinaloa occupied Mazatlán and the Lerdist governor, General F.O. Arce, sought refuge in the United States consulate. Four days later, Iglesias and a few of his partisans departed from Mazatlán for San Francisco aboard the United States steamer Granada.

Lerdo and members of his cabinet, in Acapulco, took refuge aboard H. M. S. Salvador. Earlier the Tuxtepecanos under General Jiménez drove the ex-Lerdist and ex-Iglesist Governor of Guerrero, General Diego Alvarez, into the mountains south of Acapulco. Six days after Iglesias embarked for San Francisco, Lerdo and a few supporters departed by steamer from the harbor of Acapulco for New York, by way of Panama. Upon reaching New York, Lerdo issued a manifesto, on February 24, 1877, reasserting his de jure claim to the presidency of Mexico.<sup>32</sup> Iglesias issued a

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<sup>32</sup>Ibid., 433; Foster to Fish, January 16, 1877. Mexican Despatches; Knapp, Lerdo de Tejada, 491-495; John A. Sutter to William Hunter, January 11, 1877. Consular Despatches (Acapulco). The National Archives; E. G. Kelton to William Hunter, January 20, 1877. Consular Despatches (Mazatlán). The National Archives. Parkes, History of Mexico, on page 284, erroneously, states Iglesias followed Lerdo into exile. Bancroft and Foster, inaccurately, state Iglesias left Mazanillo for San Francisco on January 17.

similar statement from New Orleans on March 15, 1877, upon his arrival from San Francisco.<sup>33</sup>

Díaz returned to the capital on February 11, 1877, and four days later assumed personal direction of the government as provisional president. With his two rivals in exile and their adherents in Mexico disorganized, Díaz devoted his attention to the establishment of a legal basis for his government. The day following his re-assumption of the executive position, Díaz issued a circular stating his intention to re-establish constitutional order in accordance with the provisions of Palo Blanco. The circular appealed for cooperation from all factions and formalized a policy of reconciliation which Díaz, thereafter followed.

Méndez, on December 23, 1876, had already issued the electoral Convocatoria. The provisions of Palo Blanco promised elections would be authorized within one month after the occupation of the capital and would be conducted within two months after the occupation. On January 28, 1877, the presidential electors were selected and on February 11 cast their votes. The following day the electors voted for members of the Chamber of Deputies. On April 1, a quorum being present, the Mexican Congress, as an unicameral body,

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<sup>33</sup>New York Tribune, March 19, 1877, 1.

convened and heard an address by Díaz. Congress announced the decision of the presidential electors on May 2 declaring Díaz elected by vote of 10,500 to 378. Three days later, Díaz took the oath as constitutional President of Mexico until November 30, 1880.<sup>34</sup>

In his speech to the Deputies, on April 1, Díaz expressed satisfaction with the progress made in re-establishing constitutional order. After enumerating several desired legal changes, Díaz devoted a large portion of the address to the matter of international recognition of his government. Acknowledging the "unsettled state" of relations with foreign nations occasioned by the revolution, Díaz expressed the belief that "in observance of the true principles of international law, the friendly nations will recognize, within a short time the government which the Mexican people have chosen for themselves in the exercise of their independence and sovereignty."<sup>35</sup>

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<sup>34</sup>Bancroft, Works, XIV, 432-437.

<sup>35</sup>Foster to Evarts, April 4, 1877. Mexican Despatches. Enclosed is a translated copy of the address by Díaz.

## CHAPTER II

### THE GRANT ADMINISTRATION AND THE DÍAZ REVOLUTION

The initial responsibility for devising a recognition policy for the Díaz government rested with the administration of Ulysses S. Grant. The United States minister to Mexico, John Watson Foster, in his despatches kept the Department of State well appraised of the deterioration of the Mexican political situation in 1875 and 1876. He reported the increasing disorder but believed the Lerdo government could deal successfully with the insurrection. Foster had sufficient confidence in his analysis of the situation, bolstered by the lull occasioned by the elections of 1876, to take a three month leave of absence from his post (July 21 to October 28, 1876). In New Orleans, enroute back to Mexico, refugees informed the minister of the acceleration of the insurrection in Mexico and the anticipated pronouncement by Iglesias. Foster forwarded the information

to Washington before leaving New Orleans.<sup>1</sup>

After arriving in Mexico City and familiarizing himself with prevailing conditions, Foster reported that the situation facing the Lerdo government was more serious than at any time since January, 1876.<sup>2</sup> On November 17, however, before learning of the battle of Tecuac, Foster despatched information to Washington that the Iglesias movement had not attracted the anticipated support. The government, having recovered from the initial "panic," seemed to be doing better. Foster anticipated an indefinite continuation of the struggle and believed Lerdo would continue the fight even if forced to abandon the capital.<sup>3</sup>

The Department of State on December 14, 1876, received information from Foster of the complete defeat inflicted on the Army of the East by the Tuxtepecanos and the expected seige of the capital.<sup>4</sup> On the night of November 18, 1876, after receiving news of the battle of Tecuac, Foster wrote

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<sup>1</sup>Foster to Fish, February 22 (unofficial), May 15 (unofficial), May 27, July 20, October 21 (unofficial), and October 28, 1876. Mexican Despatches.

<sup>2</sup>Foster to Fish, November 11, 1876. Mexican Despatches.

<sup>3</sup>Foster to Fish, November 17, 1876. Mexican Despatches.

<sup>4</sup>Foster to Fish, November 18, 1876. Mexican Despatches.

a personal letter to Secretary of State Hamilton Fish. In the letter, Foster stated that the "prevailing impression" was that the Lerdo government "must soon come to an end." It was expected Iglesias would become provisional president until elections could be scheduled. The elections would probably result in a victory for Díaz. Foster expanded upon his earlier evaluation of Iglesias, Lerdo, and Díaz:

Iglesias is a sincere and scholarly man, who has never before given any countenance to revolution, but he is not firm, and can easily be influenced by his friends, who fortunately are generally men of ability, integrity and respectability. Diaz is a pure revolutionist - rather a dashing military character, personally honest but with little capacity for government; and the men who are nearest to him cannot command the confidence of the country.

Lerdo's faults and blunders have been numerous enough; but he is a man of ability; and it will be a misfortune for Mexico if he is overthrown, as it will bring into power again the professional revolutionists; and presents no future of peace and prosperity for the country.<sup>5</sup>

Foster's readily apparent aversion to revolution and preference for legal order, undoubtedly, explains in part his slowness in discerning Lerdo's precarious position. However, Foster was not alone in his optimistic view of the strength of the "re-electionists," since even Díaz had not

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<sup>5</sup>Foster to Fish, November 18, 1876. The Correspondence of Hamilton Fish, 1804-1894, (180 volumes). Hamilton Fish Papers, Library of Congress (Manuscript Division). Hereafter cited as Fish Papers.

anticipated such an early victory. When confronted with the probable overthrow of Lerdo, Foster's preoccupation with the evils, especially economic, of revolution caused him to reiterate his preference for the constitutional position assumed by Iglesias.

On December 14, 1876, the State Department received despatch No. 462 from Foster, confirming the results of the battle of Tecoac. In addition, the despatch related the details of Lerdo's departure from the capital and the rupture between Díaz and Iglesias.<sup>6</sup> Lerdo, prior to abandoning the capital, directed Romero Rubio, Minister of Relations, to inform the resident diplomatic corps of the decision. The notes, subsequently forwarded to the foreign representatives, stated the intention of the government to leave the capital and promised to inform the diplomats of the new location of the government. Foster received the message on November 20.

As dean of the diplomatic corps, Foster summoned his colleagues to a conference on November 24, for the purpose of devising a common policy toward the contending Mexican governments.<sup>7</sup> The diplomats attending the conference

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<sup>6</sup>Foster to Fish, November 28, 1876. Mexican Despatches. (No. 462).

<sup>7</sup>Foster to Fish, November 28, 1876. Mexican Despatches. (No. 463).

represented Italy, Germany, Spain, and Guatemala. Besides the United States, these were the only nations maintaining official relations with Mexico in 1876.<sup>8</sup> Foster urged continued recognition of Lerdo because his own government still recognized the Lerdist minister in Washington and the triumph of the Tuxtepec revolution was "not yet an accomplished fact." Furthermore, the breach between Iglesias and Díaz "might lead to consequences disastrous" to Díaz. The members of the diplomatic corps agreed to follow the course recommended by Foster. Pending instructions from their governments, they would maintain only personal and unofficial relations with the Díaz government.<sup>9</sup>

On November 28, 1876, after the meeting with other members of the diplomatic corps, in an unofficial letter to Fish, Foster requested instructions on the impending recognition question. Although envisioning a "terrible civil war" between the Iglesistas and Profiristas, Foster expressed the opinion that the Díaz government probably could maintain possession of the capital and Veracruz, temporarily.<sup>10</sup>

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<sup>8</sup>John Watson Foster, Diplomatic Memoirs (2 vols.; New York: Houghton Mifflin Company, 1909). I, 30-31.

<sup>9</sup>Foster to Fish, November 28, 1876. Mexican Despatches.

<sup>10</sup>Foster to Fish, November 28, 1876. Fish Papers.

In devising a recognition policy, Foster's despatches were the most important official source of information for the Grant administration. Supplementing the ministerial reports were the Consular Despatches and communications with the Mexican minister to the United States. While the consuls in Mexico provided only occasional and insignificant information on political developments during 1876, the communications with the Mexican representative in Washington were more valuable sources.

On February 18, 1876, the Mexican minister to the United States, Ignacio Mariscal, officially informed Fish of the conspiratory activities of Díaz in Brownsville. The following day, Fish replied that he had requested the Attorney General to instruct Texas officials of the Department of Justice to warn Díaz and his associates "that any infraction of the laws of the United States" would "subject them to arrest and prosecution."<sup>11</sup> In response to urgings by Mariscal and Foster, the Department of State requested the War Department to issue an order concerning preservation of United States neutrality. The Adjutant General issued the

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<sup>11</sup>Fish to Mariscal, February 19, 1876. Notes to Foreign Legations in the United States from the Department of State (Mexico). The National Archives. Hereafter cited as Mexican Notes.

order, on March 10, to the General of the Department of Texas. The order was warmly received in Mexico and allayed growing concern over possible United States sympathy for the Díaz movement.<sup>12</sup>

While aware of the necessity of the Mexican government adopting "vigorous measures" to deal with the insurrection, Fish continued to remonstrate against violations of treaties and public law.<sup>13</sup> And, Foster, despite his obvious sympathy for the Lerdo administration, on instruction and his own initiative demanded observance of international agreements and protection of American citizens residing in Mexico.<sup>14</sup> In addition, Foster attempted to turn Lerdo's difficulties to the advantage of the United States.

As national authority declined late in 1875 and early in 1876, Foster believed the time was opportune to secure a reciprocal trade treaty with Mexico. Such an agreement, he

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<sup>12</sup>Fish to Mariscal, March 21, 1876. Mexican Notes; Foster to Fish, February 3 and March 14, 1876. Mexican Despatches; Fish to Foster, March 21, 1876. Diplomatic Instructions of Department of State to Mexico. The National Archives. Hereafter cited as Mexican Instructions.

<sup>13</sup>Fish to Mariscal, April 1, 1876. Mexican Notes; Fish to Foster, May 16 and July 27, 1876. Mexican Instructions; Hunter to Richardson, October 25, 1876. Mexican Instructions.

<sup>14</sup>Foster to Fish, October 6, 1875, and February 3, 1876. Mexican Despatches.

believed, would contribute, significantly, to United States trade with that country. The Mexican government quickly indicated a willingness to discuss a reciprocity treaty, but the election crisis and the increasing revolutionary activity occupied the full attention of the Lerdo government. Foster, unsuccessfully, had sought official authorization to initiate formal negotiations, in hopes of securing an agreement prior to the elections.<sup>15</sup>

As lawlessness and disorder continued, the United States adopted more direct measures to protect American citizens and interests. Foster on two occasions, April 20, 1876, and November 28, 1876, requested that a war ship be ordered to the vicinity of Veracruz.<sup>16</sup> The consul at Veracruz made a similar plea on November 21.<sup>17</sup> When the Porfiristas abandoned Matamoras on May 18, the United States naval commander in the area, at the request of the United States consul, landed a small force to preserve order until General Silvestre Revueltas arrived with the advance column

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<sup>15</sup>Foster to Fish, January 29, February 1, and July 8, 1876. Mexican Despatches.

<sup>16</sup>Foster to Fish, April 20 and November 28, 1876. Mexican Despatches.

<sup>17</sup>S. T. Trowbridge to Hunter, November 21, 1876. Consular Despatches (Veracruz).

of Escobedo's army. Fish approved of the consul's action as "necessary and proper under the circumstances." The Secretary of State informed Mariscal and expressed hope the Mexican government would not "disapprove the act." Foster was instructed to present a similar explanation in Mexico City. The Lerdo government offered no objection to the landing.<sup>18</sup>

The State Department and Foster, although zealous in their concern for American rights, carefully avoided extra-legal interpositions. The United States consul at La Paz, with the approval of both Foster and the Department of State, refused to intercede on behalf of an American citizen who had participated in a Baja California revolt in June, 1875.<sup>19</sup> When Foster declined to interpose on behalf of American, French, and English businessmen in their appeal for exemption from a special tax levied on March 6, 1876, Fish termed Foster's action "judicious."<sup>20</sup>

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<sup>18</sup>Fish to Foster, May 19, 1876. Mexican Instructions; Fish to Mariscal, May 19, 1876. Mexican Notes; Foster to Fish, June 14, 1876. Mexican Despatches.

<sup>19</sup>Foster to Fish, October 7, 1875. Mexican Despatches; Cadwalader to Foster, October 3, 1875. Mexican Instructions.

<sup>20</sup>Foster to Fish, March 11, 1876. Mexican Despatches; Fish to Foster, April 4, 1876. Mexican Instructions.

Foster, in late June, 1876, rebuked the American consul at Tampico for requesting the landing of troops from the naval vessel Hartford, because, unlike the earlier Matamoras situation, Mexican authorities were present in Tampico. An incident was avoided by the refusal of the commander of the Hartford to land troops without the approval of the Mexican commander. Foster advised the consul to exercise caution, especially in acting for non-American nationals.<sup>21</sup> On September 6, 1876, D. S. Richardson, Chargé d'Affaires ad interim, in reply to a complaint made the previous day by Manuel Romero Rubio concerning alleged aid given to rebel leader Juan Vidal by the American captain of the Anahuac, stated the United States would sustain no illegal action by its citizens.<sup>22</sup>

The case of John Jay Smith also illustrated the judicious approach observed by the United States government in its relations with Mexico. Mexican authorities at Matamoras arrested Smith, an American citizen, in September, 1876. He was charged with spying and selling munitions to General

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<sup>21</sup>Foster to Fish, July 1, 1876. Mexican Despatches.

<sup>22</sup>Richardson to Fish, September 11, 1876. Mexican Despatches.

Juan Nepomucena Cortina at Brownsville.<sup>23</sup> Cortina, a source of trouble along the Rio Grande for the United States since the "Cortina War" in 1859, had pronounced for Díaz in May, 1876, following his removal from the northern border.<sup>24</sup>

William Hunter, Second Assistant Secretary of State, telegraphed Richardson on September 26, informing him of the report by the Matamoras vice-consul that Smith had been arrested. The vice-consul believed the charges were unfounded and reported the "sensation great at Brownsville." Richardson was instructed to request the Mexican government to telegraph orders to Matamoras officials to avoid taking any "hasty step."<sup>25</sup> Smith was still imprisoned on November 18, 1876. Although aware of the Lerdo government's dire situation and believing Smith innocent of any crime, even if he had committed the act of selling munitions to Cortina, Fish did not demand the release of Smith requesting only that he be brought to trial quickly in view of his poor health.<sup>26</sup>

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<sup>23</sup>Hunter to Richardson, September 26, 1876. Mexican Instructions.

<sup>24</sup>Foster to Fish, May 26, 1876. Mexican Despatches.

<sup>25</sup>Hunter to Richardson, September 26, 1876 (telegram). Mexican Instructions.

<sup>26</sup>Fish to Mariscal, November 18, 1876. Mexican Notes.

The Grant administration made its first policy decision on recognition of the Díaz government on December 19, 1876. Five days earlier the Department of State had received eight despatches summarizing the events in Mexico from November 16 until November 29. Therefore, the following information was possessed by the State Department before arriving at a decision: The defeat of Alatorre at Tecuac; the abandonment of the capital by Lerdo; the occupation of the capital by the Tuxtepecanos; the establishment of the Guanajuato government; Foster's evaluations of the contending leaders and factions; Foster's meeting with the diplomatic corps; the assumption of the provisional presidency by Díaz; the organization of a cabinet by the Porfirist government; and, Foster's analysis of the political conditions as of November 28.<sup>27</sup>

On December 19, 1876, Fish responded to the requests by Foster, on November 18 and December 1, for instructions pertinent to the question of recognition. After expressing approval of Foster's report of the conference with his diplomatic colleagues, Fish stated: "It would be premature under

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<sup>27</sup>Foster to Fish, November 18, 28 (No. 462), 28 (No. 463), 29, and December 1 (telegram), 1876. Mexican Despatches. All of the despatches cited were stamped received December 14.

the circumstances officially to acknowledge the Diaz government. Still there is no sufficient reason why you should not hold personal intercourse with individuals composing it."<sup>28</sup> This policy statement was in complete accord with the actions and recommendations of Foster. With Lerdo still present in Mexico, the Iglesias government organized in Guanajuato, and the possibility of an agreement between Díaz and Iglesias, recognition would be premature.

An issue complicating application of the traditional tests for recognition was the Claims Convention signed on July 4, 1868. The Convention provided for an adjustment by arbitration of all unsettled claims that had arisen since the treaty of Guadalupe Hidalgo in 1848. One thousand and seventeen claims by American citizens were presented to the commissioners, amounting to \$470,126,613.40. A total of \$4,125,622.20 was awarded. Of the \$86,661,891.15 claimed by nine hundred and ninety-eight Mexican citizens, the number upheld totaled \$150,498.41. The final settlement authorized the Mexican government to pay the Mexican claimants and subtract the amount from the awards made to Americans. The balance was to be paid to the United States government in

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<sup>28</sup>Fish to Foster, November 19, 1876. Mexican Instructions.

annual payments and the United States government was to pay its own citizens.<sup>29</sup> The commissioners and the arbiter, Sir Edward Thornton, completed their work, after frequent interruptions, on November 20, 1876. The first annual payment of 300,000 pesos in gold was due on January 31, 1877.<sup>30</sup>

Foster, unofficially, on November 28, 1876, expressed the opinion that the claims presented no problem. Although the "tenure of the Díaz government," was "very uncertain," it seemed "most likely" that the Porfiristas would "be able to maintain possession of the capital and the seaport of Veracruz until the time for payment . . . provided in the Mixed Claims Treaty." Foster believed Díaz would "make extra-ordinary efforts to be prepared to tender payment in January."<sup>31</sup> Hamilton Fish was aware of the above opinions of Foster before issuing instructions on December 19, 1876, to delay recognition of the Díaz government. Also, despatch

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<sup>29</sup>Frederick Sherwood Dunn, The Diplomatic Protection of Americans in Mexico (New York: Columbia University Press, 1933), 92-95; J. Fred Rippey, The United States and Mexico (New York: F.S. Crofts and Co., 1926), 279-280.

<sup>30</sup>Daniel Cosío Villegas, Estados Unidos Contra Porfirio Díaz (Mexico: Editorial Hermes, 1956). Translated by Nettie Lee Benson under the title The United States versus Porfirio Díaz (Lincoln: University of Nebraska Press, 1963), 12-13.

<sup>31</sup>Foster to Fish, November 28, 1876. Fish Papers.

No. 465 had arrived on December 14, with information that Díaz had met with prominent "capitalists" seeking a loan. Díaz indicated the claims payment would be assigned first priority if the loan were subscribed.<sup>32</sup>

The civil strife hampered the efforts of the Díaz government to subscribe the loan. As the deadline for the first payment approached, Juan N. Méndez, in charge at Mexico City, decreed a special property tax to raise the necessary funds.<sup>33</sup> The possibility of receiving the first payment failed to induce the Grant administration to extend recognition. The receipt of the first payment was to prove a greater inducement, but only in conjunction with decisive Porfirista military successes.

Foster continued his close but unofficial contact with the Díaz government. When informed that Ignacio L. Vallarta was appointed acting Minister of Foreign Affairs by the Díaz government, Foster referred the news to his government for information and action. He responded similarly when Iglesias assumed the presidency and notified the diplomatic

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<sup>32</sup>Foster to Fish, November 28, 1876. Mexican Despatches.

<sup>33</sup>New York Tribune, December 8, 1876, 1; Foster to Fish, December 9, 1876. Mexican Despatches; Cosío Villegas, U.S. versus Diaz, 15-16. The tax decree stated a portion of the proceeds would be used to pay the first installment of the claims award.

corps of the appointment of Francisco Gomez del Palacio as Minister of Foreign Affairs. Foster's action was duplicated by the other members of the diplomatic corps.<sup>34</sup>

A new consideration was introduced into the recognition question by Foster on December 6 and 8, 1876. On December 22, 1876, the State Department received Foster's despatches describing in detail a suspended railroad convention and expressing concern over the effect of the revolution on American interests in Mexico. On December 4, 1876, in the first authorized issue of the Diario Oficial, a decree was published nullifying certain contracts. The decree, first issued on September 26, 1876, at Oaxaca, consisted of five articles. The first two provisions nullified the mint leases and any debt agreement with the English bondholders. The fourth and fifth articles provided for enforcement and punishment. Article three stated: "Any contract which may result in any burden to the nation shall . . . be null and of no force." Foster expressed concern that if "retroactive in its enforcement" article three would "very seriously and to a large extent affect American interests."<sup>35</sup>

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<sup>34</sup>Foster to Fish, December 4, 7, 15, and 28, 1876. Mexican Despatches.

<sup>35</sup>Foster to Fish, December 8, 1876. Mexican Despatches. A translated copy of the decree is enclosed.

The suspended convention had been signed originally on December 12, 1874, by the Mexican Minister of Public Works and Edward Lee Plumb, representative of the International and Great Northern Railroad Company of Palestine, Texas. It was renegotiated in June, 1875, and revalidated, with an extension of time, on November 11, 1876. However, while the revalidation agreement was being considered by the Second Committee of Industry of the Chamber of Deputies, the Lerdo government abandoned the capital. The concession authorized the Texas company to construct a railroad from some point on the Rio Grande to Leon in the state of Guanajuato.<sup>36</sup>

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<sup>36</sup>Foster to Fish, December 6, 1876. Mexican Despatches. Enclosed is a translated copy of the convention.

Plumb occupied various foreign service positions, for the United States, in Mexico and Cuba from 1861 until 1869. In 1866-68 he was chargé d'affaires and First Secretary of the United States Legation at Mexico City. He had been a representative of the International company since 1871.

The International was constructing a railroad from Fulton, Arkansas through San Antonio to Laredo, Texas. After reaching the Mexican border, the construction would continue south to Leon. At that point, the line would connect to the Central railroad being built between Leon and Mexico City.

For further information of Plumb and the International company see David M. Pletcher, Rails, Mines, and Progress: Seven American Promoters in Mexico, 1867-1911 (Ithaca, New York: Cornell University Press, 1958), 72-105, and the Edward L. Plumb Papers (14 volumes). Library of Congress (Manuscript Division). Hereafter cited as Plumb Papers.

While considering the concession sufficiently important to provide the State Department with full particulars, including a copy of the convention, Foster expressed no opinion concerning the agreement. Subsequent reports indicate the minister's concern was for American interests in general. Although in personal contact with Plumb in Mexico, Foster did not refer specifically to the Plumb concession after his first report.

Plumb was closely acquainted with President Grant and the Presidential Secretary Orville E. Babcock and during the summer of 1875, discussed his concession and business opportunities in Mexico with the President.<sup>37</sup> In April, 1876, Plumb urged Fish to establish "openly and firmly" the de jure recognition principle that the United States "will not in any instance hereafter, or to any degree, permit the weight of its official influence or recognition to be used or given in any manner in favor of any revolt . . . against Constitutional order." This "moral action" by the United States would, Plumb

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<sup>37</sup>David M. Pletcher, Rails, Mines, and Progress, 77, 97, 155. The role of Plumb in the recognition controversy is of importance because of charges by the Díaz partisans that Plumb influenced the Hayes administration's decision. See J. Fred Rippey, The United States and Mexico (New York: F.S. Crofts and Co., 1931), 296; J.M. Callahan, American Foreign Policy in Mexican Relations (New York: The Macmillan Company, 1932), 384; Foster to Fish, June 28, 1877. Mexican Despatches.

asserted, contribute to the maintenance of peace and order in Mexico. According to Plumb, the recognition of de facto governments encouraged revolution by "clothing military revolt . . . with the cloak of legitimacy." He expressed the view that the recognition of the Juárez government at Veracruz in April, 1859, marked a change from the de facto to the de jure principle. In urging Fish to affirm the change, Plumb argued that the de facto policy was "the European and monarchial" principle.

Plumb believed the Lerdo government would crush the revolution. Unaware that Foster shared his confidence in the strength of the Lerdo government, Plumb warned Fish that the minister, witnessing for the first time disorder in Mexico, might misjudge the situation. He feared Foster would possibly duplicate the action of John Forsyth who was "seduced . . . by the influential European Diplomatic Corps" in January, 1858, when he recognized the administration of General Félix Zuloaga. The European governments, Plumb charged, opposed the success of "Republican institutions" and saw, in revolution, an opportunity to advance their commercial interests. Therefore, the European nations preferred the "shortsightedness" of the de facto principle.<sup>38</sup>

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<sup>38</sup>Plumb to Fish, April 4, 1876 (confidential). Plumb Papers.

Late in October, 1876, after the pronunciamento by Iglesias, Plumb, from Mexico City, again informed the State Department of his confidence in the Lerdo government.<sup>39</sup>

When the revolution suspended his concession, Plumb prepared to leave for the United States to seek support for the Lerdo government and, thereby, the convention. Enroute to Washington he planned to meet with General Edward O.C. Ord, the United States military commander along the border in Texas. However, before departing Mexico City on December 9, 1876, Plumb was entrusted with the official despatches by Foster. Therefore, he proceeded to Washington by way of New Orleans. Upon his arrival at Washington, Plumb "desired to see the President and Mr. Fish as soon as possible." After one week in Washington, Plumb returned to New York on December 31, 1876.<sup>40</sup>

On December 29, 1876, Plumb forwarded a memorandum to Fish containing his analysis of the revolution. Referring to the situation as alarming, Plumb expressed the belief that the "Iglesias conspiracy" by "heretofore . . . prominent

<sup>39</sup>Plumb to Hunter, October 29, 1876. Plumb Papers.

<sup>40</sup>Plumb to R.S. Hayes, January 12, 1877. Plumb Papers. Plumb does not indicate whether or not he met with Fish or Grant. Fish in his diary did not mention any meetings with Plumb.

leaders in the republican party" under the guise of legality was nothing more than a power grab. It "had deeply undermined the constitutional order and again introduced corruption and disloyalty in the army," thereby, providing the opportunity for the unexpected victory by the Porfiristas. The struggle between Díaz and Iglesias was presented as a "struggle for place and power and for money."

Depicting Díaz and his "intimate counselors" as "professional revolutionists" and labeling their followers "the worst elements in the country," Plumb foresaw the "so-called government" established by Díaz, even if temporarily successful, being unable to satisfy its own faction. Iglesias, according to Plumb, was "a weak man easily led by others, who in infirm health had become a fanatic." He offered, at best, only a temporary and undesirable solution. Renewed strife and "permanent anarchy and the dissolution of the Republic," seemed inevitable, if "Constitutional Order" were not re-established.

Plumb asserted that it was "neither the policy nor the interest of the United States to sanction by its recognition any authority emanating from revolutionary force." He counseled against the establishment of "any precedents favorable to the recognition of revolutionary authority."

Plumb urged Fish to utilize the "moral support" of the United States to aid in the restoration of constitutional government. He further suggested as "imperatively necessary" an increase in military forces on the frontier and in Pacific and Gulf waters because of the "absence of any responsible central authority." Plumb expressed confidence that other nations would adhere to the United States policy on recognition.<sup>41</sup>

When he intrusted the despatches to Plumb, Foster informed the Department and, unofficially, assumed and recommended that Fish "would be glad to hear his [Plumb] statements of the present complicated and disturbed condition of the political affairs" in Mexico. He believed Plumb's comments would "doubtless be a valuable addition" to his own despatches.<sup>42</sup> The opinions Fish received from Plumb concerning the revolution, its participants, and its consequences for the future of Mexico coincided, except for Iglesias, with the views supplied by Foster. On November 28, 1876, Foster reported: "There was a willingness to see Lerdo fall, but a dread of Diaz and his revolutionary following and the better

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<sup>41</sup>Plumb memorandum to Fish, December 29, 1876. Fish Papers.

<sup>42</sup>Foster to Fish, December 8, 1876 (unofficial). Mexican Despatches.

elements of business and society looked rather to Iglesias for a remedy to the situation." But the sudden victory of Díaz prevented a compromise and "the general expectation is that a terrible civil war will ensue." Nevertheless, Foster requested instructions on the impending question of recognition.<sup>43</sup>

On December 22, 1876, the State Department received a detailed resumé from Foster on the course of the revolution. He related the events up to and including the ruptured negotiations between Díaz and Iglesias. The Díaz-Iglesias dispute seemed irreconcilable. Again, Foster referred to the Salamanca manifesto as the significant blow to the Lerdo government and accordingly refuted the Díaz assertion of national approval for his movement. Since the Iglesias pronouncement was the decisive factor, Foster believed Díaz' position could not "wholly be construed into an approval of his revolution by the country." Foster reported a lack of real devotion to either. They were attracting support only by "military

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<sup>43</sup>Foster to Fish, November 28, 1876. Fish Papers. A concurring opinion was editorially given by the New York Tribune, December 9, 1876. "The Lerdo party deem him [Díaz] ignorant, ambitious, and unfitted for the high office he has assumed. The lawless manner in which he has attained power gives reason for their assumption. His aptitude for civil government is certainly questionable."

constraint." Lerdo, reportedly on his way to a Pacific port, was dismissed by Foster as a factor in the struggle. The fleeing president had not issued any public declaration of his intentions and "so far as any organized force is concerned" he possessed "no support in the country," according to Foster. The minister reiterated that "a long and bitter civil war" seemed probable. It was "a gloomy picture" despatched to the State Department.<sup>44</sup>

The anticipated duration of the conflict combined with his concern for United States interests, caused Foster to suggest the possible necessity of adopting "some direct methods of procuring intervention and redress" to protect American interests on the frontier. In the case of John Jay Smith, Foster, since he was unable to communicate officially with the Díaz government, suggested that the Secretary of State "may be forced to consider the propriety of entrusting the case to the military commander of the Department of Texas, in cooperation with the consul at Matamoras."<sup>45</sup> This

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<sup>44</sup>Foster to Fish, December 9, 1876. Mexican Despatches. Iglesias, upon his arrival in San Francisco on January 25, 1877, claimed Lerdo, before leaving Mexico, informed General Alvarez of Guerrero that he believed his cause was hopeless. (New York Tribune, January 27, 1877, 1).

<sup>45</sup>Foster to Fish, December 14, 1876. Mexican Despatches.

introduced the border problem into the question of recognition.

The border lawlessness had become a source of irritation to both nations for decades. After 1867, depredations occurred more frequently north of the Rio Grande and increasingly strained United States-Mexican relations.<sup>46</sup> The breakdown of authority occasioned by the insurrections of 1875-76 intensified the demands in the United States for some remedial action. The Grant administration, although under pressure from Congress and the press, exercised restraint.<sup>47</sup>

On December 24, 1875, the Texas Congressional delegation met with Grant to demand more cavalry and fewer Negro troopers along the border. The President would only promise to "give the subject proper consideration."<sup>48</sup> The Galveston News denounced the Grant border policy as "timid and hesitating." Numerous solutions were suggested and recommended including: transfer of troops from reconstruction duty in the

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<sup>46</sup>Rippy, U.S. and Mexico, 282 ff.; Callahan, Mexican Relations, 341 ff..

<sup>47</sup>Allan Nevins, Hamilton Fish: The Inner History of the Grant Administration (New York: Dodd, Mead and Company, 1936), 912; Callahan, Mexican Relations, 341; Pletcher, Rails, Mines, and Progress, 154.

<sup>48</sup>Galveston News, December 30, 1875.

South to the border;<sup>49</sup> war and the conquest of Mexico;<sup>50</sup> designation by the Lerdo government of a high ranking officer to assume command at Matamoras;<sup>51</sup> rectification of the border;<sup>52</sup> and, construction of railroads to connect and interlace the contiguous territory of the two nations.<sup>53</sup>

In Congress a Committee on Texas Depredations was created in the House. The committee, headed by Gustav Schleicher of Texas, traveled to Texas for hearings and investigation. In April, 1876, Schleicher, acting upon the committee's recommendations, introduced a Texas Border resolution containing a clause authorizing United States troops to pursue raiders across the Rio Grande into Mexico. The Federalista, the leading Lerdist newspaper, warned that passage of the resolution would constitute a casus belli.

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<sup>49</sup>Ibid., January 5, 1876, editorial. The Administration was warned that if it desired to avoid the "threat, made in some quarters in Washington, to reduce the army to 15,000 men carried into effect, it had better see to it that the troops it now has are put to good use."

<sup>50</sup>Ibid., December 30, 1875. Citing the Washington Chronicle of December 23.

<sup>51</sup>Ibid., January 4, 1876. editorial.

<sup>52</sup>Ibid., January 7, 1876. Citing article from New York Herald suggesting rectification of the border.

<sup>53</sup>Ibid., editorial.

Foster believed Mexico was not in a position to resist, but he counseled against any public declaration or authorization for troop crossings.<sup>54</sup>

While on leave in the United States during July, 1876, after the resolution was passed by the House of Representatives, Foster offered to testify on the resolution in the Senate.<sup>55</sup> The offer was unnecessary since the clause was stricken before passage of the Texas Border resolution. To offset any interpretation which would view the deletion of the troop crossing provision as evidence of a lack of concern with border depredations, the State Department sent clarifying instructions to Mexico. The instructions stated that the clause was not "rejected substantially . . . because it was thought all had been done that was necessary, or because it was supposed that the remedy intended to be provided by the clause referred to was not required."<sup>56</sup>

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<sup>54</sup>Foster to Fish, April 25 (unofficial), 29, and May 4, 1876. Mexican Despatches; Rippy, U.S. and Mexico, 292-293; Callahan, Mexican Relations, 355-356.

<sup>55</sup>Foster to Fish, July 27, 1876 (unofficial from New Orleans). Mexican Despatches.

<sup>56</sup>Hunter to Richardson, September 2, 1876. Mexican Instructions. As early as January 16, 1873, Fish considered pursuit of raiders into Mexico necessary if no other solution proved satisfactory. And crossings by United States troops, although not officially authorized, started at least as early as the Mackenzie raid in 1873. Early in 1876 General Ord authorized pursuit and the Grant administration did not reprimand Ord or direct him to rescind the order. (See Rippy, U.S. and Mexico, 288-290, 294).

The Grant administration, although concerned about the border problems and increasingly pressured to adopt a more vigorous policy, continued to pursue a Mexican policy of caution and restraint. This was attributable, in part, to the President's deep sympathy for the Mexican people dating from his experiences in the Mexican war.<sup>57</sup> And the views of Secretary of State Fish were compatible with those of Grant. On at least two occasions in 1875, Fish placed responsibility for the border lawlessness on citizens of both nations. According to Fish, the demands for a bellicose Mexican policy originated from "speculating contractors," the "unemployed who would see adventure and excitement and chances in a war," ambitious military personnel, politicians seeking to promote their party, and Texans envisioning possible economic benefits from a war.<sup>58</sup>

In his eighth annual message to Congress on December 5, 1876, Grant offered no encouragement to those advocating a vigorous border policy. He referred to the continuing "commotions" in Mexico and the "supposed" increase in the

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<sup>57</sup>Pletcher, Rails, Mines, and Progress, 154. Pletcher cites the unsuccessful attempt to annex Santo Domingo as a possible restraining factor.

<sup>58</sup>Nevins, Hamilton Fish, 912.

number of border depredations. But, indirectly, avoided placing sole responsibility on Mexicans. Grant stated the citizens of both nations were subject to the "acts of violence." As for charges by United States citizens that Mexican authorities had violated their rights, Grant expressed the hope that the matter would "ultimately be adjusted to the satisfaction of both Governments." No change of policy was indicated by the President. The only action mentioned with regard to the border depredations was the possibility of reaching agreement on the problems of jurisdiction created by the shifting Rio Grande channel. Grant stated that the subject was "under consideration between the two Republics." If agreement could be reached, the President expressed the opinion that "adjustment" of the border lawlessness would be less difficult.<sup>59</sup>

General William T. Sherman in his annual report to the Secretary of War in November, 1876, acknowledged that "an unsatisfactory condition of affairs . . . long existed" on the Texas frontier. And reports from General Ord indicated the existence of "an organized system of robbing" on the border. But, Sherman stated "no one supposes that the authority of the National Government of Mexico can be privy to the

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<sup>59</sup>James D. Richardson, A Compilation of the Messages and Papers of the Presidents, 1789-1905 (11 volumes; Washington: Bureau of National Literature and Art, 1905-06), VII, 404.

nefarious business."<sup>60</sup>

The complaints continued into 1876 and necessarily became involved with the question of recognition. Representative Schleicher, acting on petitions from American merchants in Matamoras, presented their greivances to the State Department in January, 1877. Fish pointed out that the United States did not possess any "authority whatever . . . in the matter." Schleicher argued that the present commander in Matamoras, General Revueltas, a Lerdist, represented no government and as such was an outlaw. Fish stated Revueltas represented the only government in Mexico recognized by the United States or any European government. Furthermore, Fish continued, information that President Lerdo was a fugitive from Mexico and "no longer actually exercising the functions of his office" was not officially confirmed by the United States or "any other Government."<sup>61</sup> The Secretary of State, in effect, was restating the position of the United States as set forth in the December 19 instructions to Foster. However, events in Mexico were making this position less tenable.

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<sup>60</sup>New York Tribune, November 23, 1876, 1.

<sup>61</sup>Ibid., January 5, 1877, 1.

### CHAPTER III

#### THE GRANT ADMINISTRATION AND RECOGNITION

Foster, on December 30, 1876, reported that the advance of the Porfirista armies continued and the opposition offered by Iglesias was decreasing.<sup>1</sup> Three days later, the Iglesias' main force was defeated and its General, Florencio Antillón, was captured. Foster telegraphed the decisive news to Washington on January 5, 1877. Although Lerdo and Iglesias remained in Mexico, Foster believed the defeat of Antillón's army indicated an "early and complete triumph of Diaz."<sup>2</sup>

The day before the defeat of Antillón, Foster reported his belief that General Díaz would be successful. If his appraisal were correct, then the claims payment would bring up the recognition problem. Anticipating this contingency, Foster requested instructions.<sup>3</sup> He met with Vallarta at the

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<sup>1</sup>Foster to Fish, December 30, 1876. Mexican Despatches.

<sup>2</sup>Foster to Fish, January 5, 1877 (telegram). Mexican Despatches.

<sup>3</sup>Foster to Fish, January 1, 1877. Fish Papers.

United States legation on December 29, 1876, and discussed the Mixed Claims awards. According to Foster, Vallarta expressed a desire to tender the first payment as soon as possible so "the interests and credit of Mexico should not suffer." Vallarta stated that the unsettled conditions might cause a delay in making the payment, but did not dispute the validity of the settlement. Foster related that Vallarta acknowledged that "his government accepted and recognized in their fullest validity the results of the Commissions, and was preparing to comply with the obligations which they imposed upon it in perfect good faith."<sup>4</sup>

Anticipating a complete, even if temporary, victory by Díaz which, combined with tendering of the first payment under the claims convention, would give greater urgency to the recognition question, Foster, on January 1, 1877, re-introduced the matter of American interests. Referring to his despatch of November 8, 1876, the United States minister requested, "before a final recognition," authority to secure "some definite understanding . . . as to the effect and extent of the Diaz decree nullifying certain contracts of the Lerdo government." Specifically, Foster mentioned the

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<sup>4</sup>Foster to Fish, December 29, 1876 (confidential). Mexican Despatches.

mail contracts possessed by the Pacific Mail Steamship Company and the Alexander line of New York and New Orleans as examples of the more "important contracts" involved. For emphasis Foster restated his concern and strong recommendation that "it might be desirable that in advance of a formal recognition . . . [to] obtain from the new government some explicit declaration as to the validity and force of contracts legally entered into with the Lerdo government by American citizens."

While not suggesting conditions to be met before recognition would be extended, Foster believed the Díaz government to be in a precarious position and therefore "disposed to receive with much consideration whatever we may suggest." The decision of the Díaz government to make every effort to tender the claims payment, as Foster had correctly predicted, strengthened his belief success could be achieved in other areas prior to recognition. Confident in his analysis of the situation, Foster requested "some discretion" to seek clarifying statements on the nullifying decree and on "any other points deemed important" by Fish before formal recognition. If the request were granted, Foster thought he "would be better able to protect American interests."<sup>5</sup>

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<sup>5</sup>Foster to Fish, January 1, 1877. Fish Papers.

The policy statement issued by the State Department to Foster on December 19, 1876, and publicly reaffirmed early in January, 1877, in the conference with Representative Schleicher, was deemed sufficient, based upon information possessed prior to January 16, 1877. However, during that period considerations were introduced which deviated from the traditional criteria for recognition. Plumb, directly, and Foster, indirectly, suggested origin, not just stability and probable permanency, be given consideration. The assumption in recognition decisions that obedience was sufficient evidence of popular approval was not adhered to by Foster. By January 5, 1877, Foster conceded stability and probable temporary permanence. However, he disputed the Díaz assertion of popular support for the Tuxtepec revolution despite increasing manifestations of obedience. The apparent determination of the Díaz government to meet Mexico's obligations under the Claims Convention was more evidence than traditionally required of a willingness and a capability of honoring international obligations. Nevertheless, Foster recommended further evidence with regard to American interests in Mexico.

Although Plumb's moralistic pleadings were contradicted by his concern for the suspended concession, he consistently

urged "scrupulously" withholding the "moral weight" of recognition from the Díaz government. On January 8, he told Fish that he believed that the Díaz group lacked the ability to establish "any stable order" and reports from Havana were "very favorable . . . for the ultimate restoration of the Constitutional Order." He would not "be surprised to see him [Lerdo] recalled to Mexico with the acclamation of all the people within a year." Plumb anticipated Lerdo emulating the Juárez movement to save "Constitutional Order."<sup>6</sup>

On January 12, 1877, Plumb seemed confident that the United States would not recognize Díaz, who by this time was in Mexico City. He believed the movements by Díaz and Iglesias could achieve only temporary success. And the United States, according to Plumb,

as in the case of its recognition of President Juarez during all the period of the Intervention and Maximilian, will continue to recognize only the Constitutional authority in Mexico represented by President Lerdo whether he may be able to maintain that authority completely in all parts of the country, at present, or not, and will give no countenance or recognition to any authority emanating from revolutionary proceedings.

Possibly alluding to the Hayes-Tilden electoral conflict, Plumb stated: "Such a precedent [recognition of revolutionary authority] might become dangerous in a supposable

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<sup>6</sup>Plumb to Fish, January 8, 1877. Fish Papers.

case in our own country." As for himself, Plumb pledged to have nothing to do with any revolutionary authority. He intended to return to Washington and in February travel to Texas to meet with General Ord.<sup>7</sup>

By January 16, 1877, the Grant administration possessed information on the events from December 19, 1876, to January 5, 1877, which seemed to indicate the need for a new policy statement. The triumph of the Tuxtepec movement seemed assured. Iglesias and Lerdo remained in Mexico, but they were without any significant organized support and the Díaz government was making the necessary arrangements for the claims payment.

On January 19, 1877, Fish despatched instructions to Foster which constituted the first step towards a decision on recognition of the Díaz government by the United States.

Intelligence has reached here of the defeat of the forces arrayed in behalf of both Iglesias and Lerdo. If this should be confirmed by similar tidings received at the capital, Porfirio Diaz would have no important adversary in arms, and might be regarded as the actual ruler of the country. In as much, therefore, as we

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<sup>7</sup>Plumb to R.S. Hayes, January 12, 1877. Plumb Papers. Seven days after Plumb expressed the conviction that the United States would not recognize the Díaz government, Fish issued instructions giving Foster discretionary authority to recognize the Díaz government. This seems to indicate that Plumb's pleadings were to no avail.

cannot receive from a government which we do not acknowledge the installment of indemnity payable by Mexico on the 31st instant, on this account, especially, you would be warranted in recognizing the government of Porfirio Diaz, unless before this reaches you such a step should be made inexpedient by events which are not now foreseen. You will exercise your best discretion in the matter. From our point of view we cannot comprehend the expediency on the part of Diaz of disowning the official contracts entered into by his predecessor. Such a step certainly cannot contribute to the confidence of persons who otherwise might be disposed to enter into contracts which, in the nature of things, must be more or less indispensable for strengthening his power, . . . nor will the tendency of the repudiation be towards enabling him to obtain better terms from those with whom he may bargain. You may informally refer to these considerations in any interviews which you may have with him or with others of authority and influence in that quarter. You will express the regret which we should have at the effect of the measure upon those interests of citizens of the United States who may have entered into contracts with the Lerdo government. If, however, the policy avowed would be insisted upon and carried into execution, it is not expected that, for the present, at least you will regard this as an international question.<sup>8</sup>

The instructions authorized Foster to recognize or not recognize the Díaz government as events and his judgment

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<sup>8</sup>Fish to Foster, January 19, 1877. Mexican Instructions. Before issuing the instructions the State Department possessed the following information: the defeat of the Iglesista main force under Antillón; an account of the December 29 meeting of Vallarta with Foster, wherein Vallarta stated the intention of his government to make the first claims payment; Foster's recommendation that an understanding be obtained from the Díaz government concerning the decree nullifying contracts and "any other points deemed important" prior to "final recognition;" and his request for "some discretion" in obtaining the understandings.

dictated. The action taken by Foster was determined, in large part, by the events that transpired before he received the instructions.

Three days before the above instructions were issued, Foster confirmed the defeat of Antillón on the border of Jalisco and concluded that the surrender of the principal Iglesista army "destroyed the last hope of Mr. Iglesias . . . for the present." However, if the reports were accurate that Iglesias was attempting to raise a force in Sinaloa, Foster believed he could "maintain himself in that region for a considerable period." The latest information concerning Lerdo indicated he was unable to attract any organized support.<sup>9</sup>

On January 15, 1877, the day before the coin for the claims payment was to be sent to Veracruz, Foster met with Vallarta at the United States Legation. The Porfirista minister informed Foster that all arrangements were complete for tendering the claims payment before the scheduled date of January 31. José María Mata was commissioned to deliver the payment to Washington. Foster, as requested, agreed to

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<sup>9</sup>Foster to Fish, January 16, 1877. Mexican Despatches. Enclosed is a copy of the manifesto issued by Iglesias from Guadalajara with his account of the December 21, 1876, interview with Díaz at the hacienda of Capilla near Queretaro.

inform his government. To avoid any misunderstanding, however, he sought clarification of Mata's position. According to Foster, Vallarta assured him Mata "bore no diplomatic character whatever, and was simply sent to make the said payment."

During their conversation, on January 15, Foster and Vallarta discussed at length the matter of recognition and its relationship to the claims payment. Foster reported Vallarta concurred "unhesitatingly" that the payment and receipt of the first installment in no way involved recognition. The "payment was made in the name of the Republic of Mexico," therefore, it "was an independent question." as to the question of recognition, Vallarta was reported confident "the United States would act with sound and liberal judgment, being governed by the condition of affairs and the occurrence of events, with a desire to maintain friendly relations between the two Republics."

After disposing of the claims payment, Foster, anticipating approval of his suggestion to Fish, indicated "some of the points which would doubtless be considered" by the State Department in any recognition decision. The points were presented as probable considerations not as conditions for recognition. Foster listed three matters;

the long standing Texas border trouble, the September 26, 1876, nullifying decree, and a port decree issued by Juan N. Méndez on December 12, 1876, which closed all ports controlled by enemies of the Díaz government, and required payment to Tuxtepecano authorities. Vallarta welcomed Foster's comments. He expressed concern over the border depredations and the need for some solution.<sup>10</sup>

The Díaz government, despite the assurances to Foster, believed the claims payment presented an opportunity to obtain recognition from the United States. Mata was authorized, upon his arrival in Washington, to discuss the question of recognition with American officials. Although, specifically, directed by Vallarta to state the claims payment was not made in an attempt to induce recognition, Mata was authorized to inform the United States representatives that the Porfirista revolution had been necessary, was supported by the people, and would complete the restoration of constitutional order in March with the convening of Congress. And Díaz probably would be elected president.<sup>11</sup>

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<sup>10</sup>Foster to Fish, December 30, 1876, and January 16, 1877. Mexican Despatches.

<sup>11</sup>Cosío Villegas, U.S. versus Diaz, 26-27.

The claims payment as an inducement or pressure to secure recognition was limited by the continuing conflict in Mexico and, more probably, because of the information provided by Ignacio Mariscal. Mariscal, Lerdist ambassador at Washington, in January, 1877, informed Vallarta of his willingness to cooperate with the Díaz government, temporarily, because he believed the United States would not accept payment from a Porfirista representative. If this proved correct, then the payment would be delayed. If the payment were delayed until the change in administrations in the United States, Mariscal feared it would be used by some in the United States to divert attention from the existing electoral controversy. If this happened, Mariscal foresaw "very real dangers," even to the extent of threats to Mexican independence or territorial integrity.<sup>12</sup> Mariscal's warnings combined with Vallarta's anxiety probably precluded the possibility of the claims payment being used effectively in an attempt to obtain recognition.

When Mata arrived at Veracruz, his mission was temporarily interrupted. The Independencia, the war ship to be used for the voyage to New Orleans, required repairs. Vallarta, upon learning of the problem, instructed Mata to

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<sup>12</sup>Ibid., 22-23.

pay for the necessary repairs out of the payment coin. Mata expressed concern that the unexpected expenses would prevent payment in full. However, Vallarta, after checking with Foster, informed Mata the United States approved the deduction, from the first payment, of the total excess amount Mexico paid for the expenses of the Mixed Claims Commission. The amount deducted would finance the necessary repairs. Mata, relying upon the advice of Eleuterio Ávila, the Mexican representative on the Mixed Claims Commission, believed Foster could be in error. Therefore, he proceeded to arrange for additional funds in Veracruz. When informed of Mata's uncertainty, Foster proceeded to Veracruz by train with the despatch from Fish authorizing the deductions.<sup>13</sup> The Secretary of State regarded the deduction as "comparatively unimportant."<sup>14</sup>

On January 21, 1877, Mata embarked from Veracruz for Washington with the \$242,500.99 with which to tender payment of the first claims' installment. Foster notified Fish, by telegram from Veracruz, of Mata's departure. He reiterated that the Díaz government "expressly understood

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<sup>13</sup>Ibid., 29-30; Foster to Fish, February 1, 1877. Mexican Despatches.

<sup>14</sup>Fish to Foster, December 20, 1876. Mexican Instructions.

that . . . [the payment] does not involve question of recognition." Also, Foster stated Díaz was "in possession of most of country." However, he considered the situation sufficiently uncertain to repeat the request for United States naval vessels in the Gulf and Pacific coastal waters.<sup>15</sup>

The day before going to Veracruz, Foster unofficially wrote to Fish concerning the January 15 meeting. He reported that Vallarta displayed anxiety over recognition and discussed in more detail two of the considerations presented to Vallarta. The removal of Juan Cortina from the area was suggested as important to resolution of the Texas border problem. Foster seemed to place special emphasis upon the nullifying decree and deemed some understanding concerning the decree "especially important in such an unstable country as Mexico, where the standard of official morality is so

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<sup>15</sup>Foster to Fish, January 20, January 21 (telegram from Veracruz), and February 1, 1877. Mexican Despatches. Cosío Villegas, United States versus Diaz, in a footnote on page 30 erroneously stated Foster did not mention, in his Memoirs or despatches, making the trip to Veracruz. In the note, Villegas posed the rhetorical question: "Might his [Foster] officiousness have appeared so excessive to him that he did not wish to let others know of it." Foster, in fact, sent a telegram from Veracruz on January 21, and in his official despatch of February 1 stated he had "delivered" to Mata, at Veracruz, a copy of the December 20, 1876, instructions, authorizing the deduction. In addition, in despatch 494 Foster enclosed a copy of the telegram sent from Veracruz January 21. (Foster to Fish, February 12, 1877. Mexican Despatches.)

low." The other members of the diplomatic corps, according to Foster, agreed with "this position and will follow our action on the subject." Foster suggested the addition of the Zona Libre to the list of considerations at an "opportune time."

However, time was needed to obtain the satisfactory explanations and understandings. Although Foster believed the "chances [were] against him [Díaz] . . . consolidating the peace," it seemed that "almost the entire country has submitted to him." The fall of Lerdo "apparently" was "a complete one." Therefore, Foster anticipated increasing urgency with regard to recognition. He posed the following question to emphasize his concern: "Can we withhold recognition for so long a time to a de facto government, with which we must necessarily have so many relations, and with which our citizens must deal?"

Foster suggested that the revolutionary origin of the Díaz government could be utilized to justify the delay of formal recognition until after the February elections. This could provide the time required to devote attention to the proposed considerations. Foster requested the

Secretary's views on his suggestion.<sup>16</sup> If approved, the proposal by Foster would deviate from the traditionally liberal United States policy. However, it was compatible with, and indeed, a manifestation of the concept that recognition was a political matter. While Foster did not indicate awareness of such, Seward's policy of requiring formal legalization of revolutionary changes offered recent precedent for his suggestion. Foster was critical of the revolutionary nature of the Díaz movement long before seeking some justification for delaying recognition.

Shortly after receiving Foster's January 20 despatch, Fish received additional counsel from Plumb. Still hoping to save his concession, Plumb moved from New York to Washington, D.C. and continued to offer advice to the Department of State. He feared that acceptance of the claims payment would be an act of approval approaching recognition. Therefore, he urged Fish to leave the matter of "recognition of revolutionary authorities in Mexico, to the test of at

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<sup>16</sup>Foster to Fish, January 20, 1877. Fish Papers. The Zona Libre was established, in violation of the Mexican Constitution, in March, 1858. Ramon Guerra, the governor ad interim of Tamaulipas, was authorized by the state legislature to decree that products could enter the northern frontier of Tamaulipas without duty. The area affected was a strip of territory, six miles wide, next to the Texas border.

least a short period of time, and to the responsibility of the succeeding Administration by whom the grave issues which may arise from what is now transpiring in Mexico, will have to be dealt."<sup>17</sup>

Plumb's concern over the claims payment was unnecessary. Fish received information from Foster, before the payment was tendered, that the Díaz government understood recognition and payment of the installment were independent matters. The payment was made by Mariscal "in the name of the Republic of Mexico" and recognition was not mentioned.<sup>18</sup>

Plumb expressed delight after learning that the payment was made without raising the question of recognition. Once more, he counseled against setting precedents by recognizing revolutionary movements. Would not the "more prudent course be to delay any decision until, at least, after the elections in Mexico?" Recognition of the Díaz government, Plumb asserted, would be a "stimulent to disorder" and would "seal the fate of constitutional government" in Mexico. He repeated his previous suggestion that "the responsibilities of this question [recognition]

<sup>17</sup>Plumb to Fish, January 29, 1877. Fish Papers.

<sup>18</sup>Fish to Foster, February 12, 1877. Mexican Instructions.

properly be carried over to the incoming administration."

Plumb attempted to buttress his argument by claiming to possess "positive evidence" that the Church party in Mexico aided the Porfirista revolution. According to Plumb, the Church party opposed "the permanent success of the communistic element which General Diaz represents" but supported the Tuxtepec movement to destroy constitutional government, and, with it, the Laws of Reform. He compared the situation to the Catholic support of the socialists in Germany.<sup>19</sup>

The Secretary of State remained deaf to the pleadings of Plumb. The concept of using the "moral" weight of United States recognition to support "constitutional order," never entered into the diplomatic instructions issued by Fish. The recommendation by Foster, that recognition be delayed until the formal legalization of the revolution, was an attempt to obtain additional time to discuss outstanding problems and in no way involved the use of recognition to uphold "constitutional order." The nullifying decree was included in the list of considerations and, seemingly, Foster considered the decree the important issue

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<sup>19</sup>Plumb to Fish, February 2, 1877. Plumb Papers.

to be discussed. However, Foster's concern was for American interests generally, not Plumb's concession, and the State Department when it approved the list of considerations assigned priority to the Texas border raids.

While the efforts of Plumb were fruitless, the course of action taken by the State Department produced the results he desired. The suggestion, by Plumb, to leave the question to the incoming administration was, apparently, only another tactic to secure time. The suggestion was made before the Electoral Commission reached its first decision, on the Florida returns, in the Hayes-Tilden disputed presidential election.<sup>20</sup>

Plumb's allegations concerning the role of the Church party in the Tuxtepecano movement coincided with State Department suspicions. But on January 15, 1877, the Díaz government issued a circular relating to the clerical policy of the new administration. The circular pledged full support for the Laws of Reform and the clerical provisions of the constitution. William Hunter termed the circular "unexpected." Fish expressed "surprise."

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<sup>20</sup>C. Vann Woodward, Reunion and Reaction: The Compromise of 1877 and the End of Reconstruction (Garden City, New York: Doubleday and Company, Inc., 1956), 167.

The Church policy of the Díaz government thus entered into the question of recognition but not in the way Plumb hoped. The circular lessened the suspicions of the State Department and offset any possible inclination to give credence to Plumb's allegations. Hunter recommended that, if observed, the policy of enforcement "would entitle him [Díaz] to more favorable consideration from this government [United States] than otherwise might have been expected." The official reaction by Fish was that the circular would "strengthen" the Díaz government. Although not mentioning the United States or his personal inclination Fish stated that the circular if observed would "tend to make it [Díaz government] more acceptable abroad."<sup>21</sup>

Meanwhile, Foster's official accounts of his January 15 meeting with Vallarta and the Mata mission reached the State Department. The minister's action was approved. On February 12, seven days after receiving the despatches, Fish issued new instructions to Foster. The Secretary approved the recommendation that the Zona Libre be included in the list of considerations. In his "intercourse with prominent men in public life," Foster was instructed to

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<sup>21</sup>Foster to Fish, January 17, 1877 (with Hunter's note). Mexican Despatches; Fish to Foster, February 12, 1877. Mexican Instructions.

"endeavor to leave an impression that the United States prior to deciding in favor of that step [formal recognition] would expect the repeal of the law creating the Zona Libre . . . and efficient measures towards checking inroads into their States and Territories adjacent to Mexico." Although Fish believed the "measures might not in the end be deemed indispensable to a formal recognition of that [Diaz] government," he deemed them "so important to the preservation of friendly relations between the two countries, that our earnestness upon the subject must not be left in doubt."<sup>22</sup>

The considerations approved by the Secretary of State for discussion included: border depredations; the decree nullifying contracts; repeal of the Zona Libre; and the port duties decree - all first suggested by Foster. Even before the fall of the Lerdo government, although abhorring revolution, Foster perceived in the revolutionary conditions what he believed was an excellent opportunity to resolve some longstanding United States-Mexican problems to his nation's

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<sup>22</sup>Fish to Foster, February 12, 1877 (with Hunter's note). Mexican Instructions. Fish in his instructions merely restated the recommendations written by Hunter that Foster "should be instructed to say that this government would look for the repeal of the Zona Libre" and the "repression of inroads across our frontier should be insisted on and, also, the reimbursement of any duties which may have been twice exacted from United States citizens."

advantage. This was first evident in Foster's comments concerning the desirability of a reciprocity treaty in 1876.

As the revolution developed and the fall of Lerdo brought forth the question of recognition, Foster interposed the considerations one by one. And, the reciprocity treaty, while not one of the considerations suggested or approved for discussion, was still in his mind. In February, 1877, Vallarta, possibly, as with the claims payment, attempting to create a favorable United States attitude preparatory to recognition, sought Foster's reaction to such an agreement. He informed the United States Minister that on January 18 he despatched to the Minister of Finance a copy of the United States reciprocity treaty with Hawaii, and article two of the 1831 United States-Mexican commercial treaty. The Minister of Finance appointed a commission of agriculturists, industrialists, and merchants to study the possibility of a reciprocity agreement. Foster referred the information to Fish but, as with his earlier reciprocity discussions, he received no encouragement to pursue the matter.<sup>23</sup>

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<sup>23</sup>Foster to Fish, February 23, 1877. Mexican Despatches. José Limantour was secretary of the reciprocity study commission.

On February 11, 1877, Porfirio Díaz returned to Mexico City in triumph from his successful campaign against the Guanajuato government. The next day Foster reported Díaz was in "undisputed control of the entire country." Díaz assumed supreme executive power on February 15. Vallarta immediately informed Foster "public peace" was "restored in all parts of the Mexican territory." The elections were in progress and, according to Vallarta, "within a short time constitutional order" would be "re-established." Foster confirmed the departure of Iglesias and Lerdo from Mexico. The only remaining active opposition was in the state of Guerrero.<sup>24</sup>

Before instructions arrived concerning the discussion of the precursory considerations or the proposal to delay recognition, Foster received the instructions of January 19, 1877.<sup>25</sup> By this time, the minister had received "similar tidings" of the apparent triumph of Díaz. Foster had obtained repeated assurances that the claims payment did not involve the question of recognition, but he had not

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<sup>24</sup>Foster to Fish, February 12 and 19. Mexican Despatches. Alvarez, the ex-Lerdist and ex-Iglesist governor of Guerrero, apparently, was willing to accept Díaz but opposed the Porfirista governor.

<sup>25</sup>Supra, 41-42.

received information concerning the payment at Washington. However, the instructions did not make the authorization to recognize or not recognize dependent upon the claims payment. Thus, the events which transpired in Mexico and Washington, from the time the January 19 instructions were issued until they arrived in Mexico City, did not nullify the grant of discretionary authority to Foster to recognize or not recognize the Díaz government. And no "unforseen events" had made a decision to recognize "inexpedient."

Therefore, after receiving the January 19 dispatch, Foster, on February 19, 1877, reported that "in view of the instructions," he regarded it as his "duty to recognize the government of General Diaz as the de facto and only existing government of Mexico." Therefore, he would "proceed to do so," after an interview with Díaz "as seems to be contemplated in . . . despatch No. 366."<sup>26</sup>

The instructions did not specify whether or not the interviews with Díaz, other officials, and influential persons were to be conducted before or after recognition but Foster's interpretation was that the meetings would come first. This would provide the opportunity to continue

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<sup>26</sup>Foster to Fish, February 19, 1877. Mexican Despatches. Hunter marked the report approved without comment.

conversations concerning the considerations presented to Vallarta. In addition, it would enable the State Department to appraise his recommendations and the events since January 19.

On February 23, Foster met with Díaz and discussed, at length, the border problem. He urged the Mexican government to give "greater attention" to the question. Foster informed Díaz that the border depredations were the "most serious complaint against the administration of Mr. Lerdo" and the greatest threat to friendly relations and peace between the two nations. He suggested removal of Cortina from the troubled area and despatch of a "prominent and experienced General of the army, with a suitable force, to take command on that frontier and to act in accord with the Department Commander in Texas." According to Foster, Díaz "expressed his earnest desire to do all that was possible to preserve order and prevent raids in future." Cortina, Foster was informed, had already been removed to the interior.

In addition to the meeting with Díaz, Foster called on each Porfirista cabinet member. The ministers returned the visits at the United States Legation. While exchanging visits and engaging in conversations with the Porfirista dignitaries, Foster received the instructions of February 12

from Fish.<sup>27</sup> Encouraged by the discussions with Díaz and the Porfirist officials, Foster made the first significant decision concerning recognition of the Díaz government.

Before receiving the February 12 instructions, Foster, acting with the "large discretion [that] seemed to be conferred" by the January 19 despatch, "deemed it advisable to make no formal or written declaration of recognition . . . but simply to enter into unofficial relations with it [Díaz government] as the de facto and only existing government of the country." Foster justified his decision to delay recognition by citing the revolutionary character of the Díaz government. Since it was the product of revolution, and, as such, "in violation of the Constitution" additional time "would develop manifestations as to the strength and permanency . . . and as to its acceptance by the country." Also, the delay would provide the opportunity for additional discussion of outstanding problems.

The action taken by Foster was a reversal of the post-Seward return to the traditionally liberal recognition policy but he availed himself of a Mexican precedent to justify his action. In 1875, Alfonso ascended to the throne of Spain. The Mexican government delayed recognition until

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<sup>27</sup>Supra, 51.

formally notified of the change by an autograph letter from the new monarch. Foster suggested the same procedure be observed by the Díaz government.

When Foster notified Vallarta of his decision, he informed the Mexican minister that the procedure was "preliminary to formal, official recognition." Diplomatic communications were established on routine matters and applications for consular exequators were exchanged. Foster assured Vallarta that the United States, although not officially recognizing the Díaz government, would not "interfere in the internal politics of Mexico" and would prohibit any rival claimants from using United States territory as a base for military excursions.

Vallarta, according to Foster, agreed to the procedure and exhibited "a marked desire" for United States recognition. On March 3, 1877, Vallarta informed Foster that a sealed autograph letter from Díaz would be sent to President Grant. The following day, the Mexican minister presented the sealed letter to Foster and requested he forward it to Grant.

After receiving the February 12 instructions, Foster despatched a full report on his decision. He considered his action "proper" in view of the instructions. It "seemed"

to Foster to be "in conformity with diplomatic usage." His "colleagues of the diplomatic corps . . . unanimously concurred."<sup>28</sup> Each member of the diplomatic corps was given a copy of the autograph letter to transmit to his home government.<sup>29</sup>

On March 3, the same day Foster wrote the first despatch relating the details of the meetings with Porfirista officials and his decision to delay recognition, Rutherford B. Hayes was, privately, sworn in as President of the United States.<sup>30</sup> On March 16, the despatches arrived at the State Department. Foster reported he would, as instructed, renew the request for some remedial action along the Rio Grande frontier. In addition, he would inform the Díaz government that the United States desired repeal of the Zona Libre. Foster had originally suggested addition of the Zona Libre to the list of considerations at the proper time. He believed Díaz lacked sufficient strength to withstand the "opposition" repeal would "occasion." Therefore, he did not

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<sup>28</sup>Foster to Fish, March 3 (No. 502), 3 (No. 503), 4 (No. 504), and 4 (telegram). Mexican Despatches. The letter from Díaz to Grant was dated February 20.

<sup>29</sup>Cosío Villegas, U.S. versus Diaz, 35.

<sup>30</sup>Woodward, Reunion and Reaction, 219.

anticipate any satisfactory solution immediately.<sup>31</sup>

Realizing the autograph letter might not provide sufficient time to discuss the considerations, Foster suggested another possible basis for delaying recognition. During his conversations with Vallarta, Foster, as spokesman for the diplomatic corps, stated that it was "possible their respective government may think proper to await the formal declaration of the Mexican Congress."<sup>32</sup> By this maneuver, Foster avoided placing the Department of State in an inflexible position when the autograph letter arrived.

The autograph letter from Díaz to Grant, via the State Department, did not reach Washington until March 21, 1877. In the letter Díaz explained that the campaign against the Iglesistas had necessitated his temporary absence from the capital. After restoring "public tranquillity", he returned and resumed the executive duties. Díaz expressed the hope that "the sincere relations which happily exist" between the United States and Mexico would continue to improve.

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<sup>31</sup>Foster to Fish, March 3 (No. 503), 1877. Mexican Despatches.

<sup>32</sup>Foster to Fish, March 4, 1877 (with Hunter's note). Mexican Despatches. Enclosed is a copy of the autograph letter.

When Hunter received Foster's despatches and the autograph letter, he recommended that it "may not be necessary to answer autograph letter at once, but may be preferable for us also to await proceedings of the Mexican congress which was about to meet."<sup>33</sup> The decision on Foster's action, Hunter's recommendation, and the recognition of the Porfirio Díaz government now passed to the new administration.

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<sup>33</sup>Ibid.

## CHAPTER IV

### A NEW ADMINISTRATION AND A NEW POLICY

The Hayes administration, beset with more pressing problems,<sup>1</sup> entered upon its duties without any apparent

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<sup>1</sup>The recognition question that concerned the Hayes administration during March and April, 1877, involved the rival state governors in Louisiana and South Carolina. In both states, following the elections of 1876, the Republicans and Democrats established rival administrations. The rival governors were Daniel H. Chamberlain and Wade Hampton in Louisiana. President Grant, with the support of Fish, resisted the pressure from members of his cabinet and party leaders to use military power to insure the triumph of the Republican claimants. He refused to recognize either faction. Therefore, the Hayes administration inherited the problem.

On March 6, 1877, Hayes conferred with the Grant cabinet members concerning the rival governments. At one point in the conversation the President demanded whether any consideration had been given "the question of recognition of a de facto as distinguished from a de jure state government?" However, before the end of March, Hayes decided non-intervention was the proper policy. Evarts believed the duties of the President did not include using military power to resolve state electoral disputes. Perhaps, a more important consideration was the congressional and popular opposition to the use of force. By April 22, 1877, Hayes had ordered removal of the federal troops from Louisiana and South Carolina. [Nevins, Hamilton Fish, 854-858; T. Harry Williams, ed., Hayes, The Diary of a President, 1875-1881 (New York: David McKay Company, Inc., 1964), 84-86.]

concern with Mexico. The border situation remained troublesome, but was of individual and local concern. It had not entered into the presidential campaign of 1876. None of the party platforms mentioned Mexico.<sup>2</sup> The issues which commanded the attention of Hayes, during the campaign and immediately after the election, concerned Southern policy and reform.<sup>3</sup>

In his inaugural address, the President did not refer to Mexico. The only mention of foreign affairs was a pledge to continue the Grant policy of arbitration to resolve disputes if "unhappily" they should develop. And Hayes, in reference to the threats to peace to Europe, reminded his fellow citizens that the "traditional rule of noninterference in the affairs of foreign nations has proved of great value in past times and ought to be strictly observed."<sup>4</sup> The

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<sup>2</sup>Thomas H. McKee, The National Conventions and Platforms of all Political Parties, 1789-1905 (Baltimore: The Fridenwald Company, 1906), 162-181.

<sup>3</sup>Rutherford B. Hayes to R.P. Hayes, November 8, 1876. Hayes, writing to his son, stated: "You will naturally wish to know how we feel since the defeat." . . . "It would have been a great gratification to try to establish Civil Service reform, and to do a good work for the South. But it is decreed otherwise and I bow cheerfully to the result." The Rutherford B. Hayes Papers. The Rutherford B. Hayes Library. Fremont, Ohio. Hereafter cited as Hayes Papers.

<sup>4</sup>Richardson, Messages and Papers, VII, 445-446.

remarks by Hayes seemed to indicate no new foreign policies were contemplated and no significant problems existed or were anticipated in foreign relations.

The United States-Mexican relations at the beginning of the Hayes administration were amicable if not completely satisfactory. Official relations did not exist and outstanding problems were being discussed but Foster had entered into unofficial relations with the Díaz government as the de facto government of Mexico. Expectations were that the United States would extend recognition.<sup>5</sup> The Porfirists seemed agreeable to a delay in recognition until after the re-establishment of constitutional government.<sup>6</sup> General Miguel Blanco, whom Díaz had ordered to Matamoras to assume command of the frontier area, had established "comparative order" in that region.<sup>7</sup>

The reorganization of the State Department, resultant from the change of administrations, was completed on March 16,

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<sup>5</sup>New York Tribune, March 1, 1877. editorial.

<sup>6</sup>Foster to Fish, March 3, 1877. Mexican Despatches.

<sup>7</sup>New York Tribune, February 12, 1877, 1, and February 19, 1877, editorial. Although not immediately known, Servando Canales, Governor of Taumalipas, refused to recognize the authority of Blanco. Blanco returned to Mexico City without effecting any change. (See Foster to Evarts, April 24, 1877. Mexican Despatches).

1877. William E. Evarts had formally assumed his duties as Secretary of State on March 12. Four days later the Senate confirmed the appointment of Frederick W. Seward as First Assistant Secretary of State. William Hunter remained in the position of Second Assistant.<sup>8</sup> Hamilton Fish turned over to his successor an efficient well organized Department.<sup>9</sup>

On the day Evarts formally assumed the position of Secretary of State, the Department issued its final instructions on Mexico by the authority of Hamilton Fish. Foster was directed to make inquiry concerning the seizure of two United States schooners. On January 5, 1877, Iglesias seized the schooner Dreadnought twelve miles off the coast of Sinaloa and interned the vessel at Mazatlán. The second schooner, Montana, was detained at Mazatlán on February 8, 1877, by Porfirista authorities.<sup>10</sup>

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<sup>8</sup>New York Tribune, March 13, 1877, 1 and editorial; and March 17, 1877, 3. Seward served in the same capacity while his father was Secretary of State.

<sup>9</sup>Nevins, Hamilton Fish, 860.

<sup>10</sup>Cadwalader to Foster, March 12, 1877. Mexican Instructions. The Dreadnought was bound for Central America by way of Mazatlán. The Mexican gunboat Democratia, which detained the schooner, was in the service of Iglesias at the time of the seizure but by March, 1877, the crew had defected to the Porfiristas. The Montana carried cargo for San Jose de Guatemala. The Mazatlán authorities demanded the cargo be unloaded and duties paid although it was designated for Guatemala.

Foster, not yet officially informed of the appointment of Evarts and before the instructions concerning the schooners reached Mexico City, filed written protests on March 20, 1877, concerning the seizures. He demanded reparations in both cases and punishment of those responsible for the seizure of the Dreadnought. Vallarta, in reply to the protests, informed Foster that orders had been telegraphed to Mazatlán directing the release of the Montana and the demand for reparations had been referred to the Department of Finance. As for the Dreadnought affair, Vallarta declared that the Governor of Sinaloa had been requested to investigate the matter.<sup>11</sup>

Earlier in March, Foster, acting on the February 12, 1877, instructions, informed Vallarta that the United States desired the adoption by Mexico of measures to end the border depredations. An "essential step" in any border pacification, according to Foster, was repeal of the Zona Libre. Vallarta promised to present the information to Díaz and the Cabinet.

On March 23, the Mexican minister called at the United States Legation. He reiterated the earnest desire of his

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<sup>11</sup>Foster to Evarts, March 21 (Nos. 507 and 508), March 23, 1877. Mexican Despatches.

government to solve the frontier problem, but could promise nothing other than the preparation by the Minister of Finance of a measure for Congressional action authorizing modification or repeal of the Zona. Vallarta did not offer any further information and opined that the Free Zone constituted a "greater evil to Mexico" than to the United States. Before departing, Vallarta, indirectly, introduced the question of recognition. He stated that it was the intention of the Díaz government, after the re-establishment of constitutional government, to replace Mariscal with José María Mata.<sup>12</sup>

One week after the meeting with Vallarta, Foster reported that the re-establishment of constitutional government by the Díaz regime was proceeding with only minor difficulties. No announcement had been made concerning re-establishing the Senate, and lack of a quorum prevented the session of the Chamber of Deputies from beginning as scheduled on March 12, but credentials were not being examined and the Chamber would convene soon.

Peace prevailed as Díaz' authority was recognized everywhere, even by Alvarez in Guerrero, according to Foster. However, the manifestos issued by Lerdo, on February 24, from

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<sup>12</sup>Foster to Evarts, March 24 (No. 512), March 24 (No. 513), 1877. Mexican Despatches.

New York and by Iglesias, on March 15, from New Orleans re-asserted their claims to constitutional authority. And Foster believed the manifestos "indicate a renewal of strife . . . and a continuance of the revolutionary era."<sup>13</sup> Once more, Foster was acknowledging the obedience to the Díaz government but anticipating further conflict. Perhaps, this was attributable to his view that the Tuxtepecano revolution succeeded because of the Iglesista movement.

On April 1, 1877, Díaz in an address marking the formal opening of the Chamber of Deputies, spoke at length on relations with other nations. The "unsettled state" of "relations with the friendly powers," according to Díaz, was "to be expected under the circumstances" since Mexico had "just experienced a political upheaval." But, he added that the revolution did not alter the Mexican "form of government."

Díaz stated that nothing had occurred "to disturb the good understanding which exists between the Government and the foreign Ministers and Diplomatic Agents." He expressed "pleasure" that "they have not ceased to give

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<sup>13</sup>Foster to Evarts, March 30, 1877. Mexican Despatches. The New York Tribune, March 19, 1877, carried a report from New Orleans on page one stating that Iglesias issued his manifesto on March 17.

testimonials of friendship to the Government." They had maintained relations necessitated by "business matters" of "an extra-official character." And even questions "which owing to their nature are official" had been considered.

Díaz referred to the claims payment as a "fulfillment of that sacred compromise" tendered with difficulty and sacrifice "to save the national honor." Furthermore, Díaz believed the payment "ought necessarily to contribute to the good name of Mexico and raise its credit abroad." Díaz, indirectly, appealed for recognition.

. . . care has been taken to communicate to the representatives of the foreign powers the principle acts of administration for the due knowledge of their governments; their countrymen have received the sincere and officacious protection of the authorities, upon due indication that they have been in need of it, and everything causes it to be hoped that, in observance of the true principles of international law, the friendly nations will recognize within a short time the Government which the Mexican people have chosen for themselves in the exercise of their independence and sovereignty.

Almost as if having a presentiment of things to come in United States-Mexican relations, Díaz concluded: "I can, nevertheless, assure you that an unjustifiable impatience, which has so many times compromised the honor and interests of the Republic, will not lead me to forget the lessons which experience has given us."<sup>14</sup>

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<sup>14</sup>Foster to Evarts, April 4, 1877. Enclosed is a copy (with translation) of the speech by Díaz.

Five days before the Mexican Deputies convened, on March 27, 1877, the Hayes administration issued its first policy instructions on Mexico. Evarts "fully approved" Foster's decision to delay formal recognition and enter into unofficial relations with the Díaz government as the de facto and actual government of Mexico. Although he acknowledged receipt of the autograph letter, Evarts "deemed [it] advisable . . . in view of the present condition of affairs in Mexico to await the progress of events and the action of the Congress of that country at its coming session, before taking any further steps in the direction of a formal and official recognition of General Diaz as the lawful President of the Mexican Republic."<sup>15</sup> This constituted approval of the recommendation by Hunter to use the suggestion by Foster to avoid responding immediately to the autograph letter.

When Foster offered the suggestion and expressed the opinion that his diplomatic colleagues would concur, he was referring to a delay until the Mexican Congress officially proclaimed the election of Díaz. Hunter's recommendation mentioned delay to "await the proceedings of congress." The March 27 instructions seemed to indicate a more indefinite

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<sup>15</sup>Evarts to Foster, March 27, 1877. Mexican Instructions.

postponement of recognition.

An indication of a new consideration in the recognition question was provided in the instructions issued to Foster on March 31, 1877. Evarts despatched a copy of a letter to the State Department from Secretary of War George W. McCrary. The letter enumerated the border raids from December, 1876, to March 9, 1877, and contained the opinion of Lieutenant-Colonel W.R. Shafter that pursuit across the border into Mexico offered the only solution. Evarts believed Shafter's proposal to "check these atrocities" by following "the delinquents into Mexico and there attack them in their lairs" was "probably well founded." If the Mexican government was "unable or unwilling to check the depredations," President Hayes, according to Evarts, "may soon have to take into serious consideration the expediency of acting pursuant to Colonel Shafter's opinion." Evarts preferred Mexican "consent" or "acquiescence" but if the "outrages" continued the Hayes administration "may deem itself warranted in punishing the wrong doers wherever they may be found." It seemed that Evarts was attempting to inform Foster more than to warn the Díaz government. Foster was almost casually directed to inform the Díaz government. Evarts stated: "It may not be amiss for you informally to

intimate these views to persons of importance at the capital."<sup>16</sup>

Until the Hayes administration, Foster's reports and recommendations, with Hunter's approving recommendations, seemed to determine United States policy on the recognition question. However, the policy initiative shifted from Mexico City to Washington during March and April, 1877. The March 31, instructions indicated that a significant change in Mexican policy was being contemplated which could involve the question of recognition. During April, 1877, the only directive instructions issued to Foster was to suspend action on the seized schooners until the question of recognition was "definitely settled."<sup>17</sup>

In addition to shifting initiative, the change of administrations almost resulted in the removal of Foster from his post. At least four individuals were approached, recommended, or rumored for the post.<sup>18</sup> The serious challenge

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<sup>16</sup>Evarts to Foster, March 31, 1877. Mexican Instructions.

<sup>17</sup>Evarts to Foster, April 17, 1877. Mexican Instructions.

<sup>18</sup>G.T. Bedell to Hayes, March 17, 1877; John Hancock to Major B.F. Grafton, March 22, 1877; and J.R. Burns to Hayes, May 7, 1877. Hayes Papers. Bedell counseled against the rumored appointment of William S. Rosecrans. Hancock claimed he had been approached by friends of Hayes concerning the Mexican post. Burns recommended E.J. Davis, the ex-Governor of Texas.

to Foster came from an old school mate of the President, Guy M. Bryan of Texas. Three prominent Texans, Senator Richard Coke, Governor R.B. Hubbard, and Senator S.B. Maxey, urged Hayes to appoint Bryan. They argued that a Texan should be appointed because Texas was affected more by Mexican relations than any other state<sup>19</sup> and Bryan himself agreed there was "peculiar fitness in Texas having" the Mexican ministerial position. He was willing to accept the appointment as indicated by his letter of April 2, 1877, to the President.<sup>20</sup> The fact that Bryan was a Democrat and the intervention of Senator Oliver P. Morton of Indiana, probably prevented Foster's removal. When Zach Chandler suggested that Foster be transferred to Brazil, Morton immediately wrote to Hayes on the minister's behalf. Foster's experience would enable him to "better . . . serve the government than ever before," according to the Senator. And the expense incurred by a transfer combined with the recent purchase of furniture by Foster would result in a "loss of several thousand dollars." Therefore, Morton "earnestly"

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<sup>19</sup>S.B. Maxey, April 6, 1877; R.B. Hubbard, April 7, 1877; and Richard Coke to Hayes, April 13, 1877. Hayes Papers.

<sup>20</sup>Guy M. Bryan to Hayes, April 2, 1877. Hayes Papers. Bryan stated that he "would be strongly tempted" to accept the appointment if Hayes "could . . . properly tender" it and permit him to select the Secretary of the Legation.

requested that "Foster . . . be permitted to remain in Mexico."<sup>21</sup>

On April 21, 1877, Foster received the instructions containing the reports by Shafter and the Secretary of War. Two days later he called on Vallarta and held a "lengthy" conversation concerning the border troubles. Foster, recalling his earlier talks with Vallarta and Díaz, renewed the suggestion that a high ranking military officer be ordered to the border. The refusal of Governor Canales of Tamaulipas to recognize the authority of General Blanco confirmed Foster's view that the local government in the north was independent of federal orders. Therefore, Foster concluded, Mexico "ought not to consider it strange that the military officials of Texas should deem it necessary to have authority to pursue the marauders." Repeated requests had not produced "a single punishment." The only action by the Lerdo and Díaz governments was the arrest of Cortina.

According to Foster, Vallarta assured him that Díaz was "impressed with [the] importance of preserving the peace of the Rio Grande border . . . and was desirous of doing all in his power to that end, but that up to the present he had

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<sup>21</sup>O.P. Morton to Hayes, March 15, 1877. Hayes Papers. Morton had secured the appointment of Foster in 1873.

not been able to adopt such measures as he desired, owing to the difficulties necessarily incident to the readjustment of public affairs after the triumph of the revolution." Vallarta agreed with Foster's suggestion that a General and a federal force should be sent to the border "to cooperate with the American military authorities; but in order to make this cooperation fully effective it was highly desirable first to have the official relations between the two governments restored."

Foster countered that the "peace of that region ought not to be endangered by a delay in sending a Federal force awaiting the recognition of General Diaz' government." Vallarta agreed but an understanding concerning troop cooperation was an important part of any solution and "the non-existence of official relations stood in the way of such an understanding." Vallarta did not deny Canales' insubordination but denounced the crossing at Piedras Negras by Shafter as an unjustified "violation of Mexican territory." Foster responded that the crossing was the consequence of Mexican inaction. The removal of Cortina, Vallarta contended, was "an important first step in the direction of pacification," and Foster was assured that he would be prevented from returning to the frontier area. However, Vallarta insisted

any border agreement or settlement of other problems was dependent upon restoration of official relations.

As a result of the conversation, Foster believed the Díaz government "when recognized, might agree to some mutual arrangement whereby the boundary could be crossed in pursuit of raiders, without such act being considered a violation of territory," since "Vallarta plainly intimated that some military understanding was practicable." Foster mentioned that Fish in his May 4, 1875, instructions proposed such an agreement. He "respectfully" requested "specific instructions."

Although conceding that the crossings were justified, Foster preferred an agreement "to save the national pride" of the Mexicans. He hoped "with the establishment of official relations" to secure the removal of Indians from the border area. Lerdo had been planning to do this but revolution prevented execution of the plan. This, Foster believed, would contribute to border pacification.<sup>22</sup> Moreover, Vallarta was "depending greatly" on United States recognition, according to Foster. Indicative of this was the reaction of Díaz when Ernest Burdel, the resident agent of France in charge of archives at the French Legation,

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<sup>22</sup>Foster to Evarts, April 24, 1877. Mexican Despatches.

proposed renewal of diplomatic relations between France and Mexico. Díaz, according to Foster, "deemed it best to await the action of the United States in reference to the recognition of his government."<sup>23</sup>

Meanwhile, the Tuxtepecanos continued their efforts to re-establish constitutional government. The Chamber of Deputies, acting on a request by Díaz on April 2, 1877, granted the chief executive authority to issue a convocation decree for the election of Senators.<sup>24</sup> The Senatorial elections were scheduled for June and the new Senators were to assume office on September 15, 1877. On May 2 the Chamber declared Díaz constitutional president of Mexico and three days later the oath of office was administered. In his inaugural address, Díaz, making only a general reference to foreign relations, stated that it was his goal "to renew and strengthen . . . relations with foreign powers without sacrificing the dignity of the Republic."<sup>25</sup>

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<sup>23</sup>Foster to Evarts, April 25, 1877. Mexican Despatches. Burdel met with Foster on two occasions seeking his good offices "at the proper time." Although he did not have instructions concerning the proposal, Foster assured Burdel that he "was satisfied my [his] government would very cheerfully lend its good office to bring about an event so agreeable to the United States."

<sup>24</sup>Foster to Evarts, April 26, 1877. Mexican Despatches.

<sup>25</sup>Foster to Evarts, May 7, 1877. Enclosed is a copy of Senatorial convocation decree and the inaugural speech by Díaz.

The inauguration of Díaz and the ordering of Senatorial elections were regarded as further steps toward re-establishing constitutional order. Foster agreed, but "regretted that it . . . [was] only a partial triumph of the constitutional over the revolutionary programme of government." The Senators were required to take an oath to the plan of Tuxtepec-Palo Blanco. The restoration of the Senate was decreed by Díaz, as provided by article five of the Palo Blanco plan, rather than by Congress. Also, if constitutional continuity were to be maintained, the present Chamber of Deputies would adjourn on May 31. However, on May 1, 1877, the Chamber voted to remain in session until September, 1878.

In addition to his constitutional objections, Foster believed it "impossible" that the present Chamber "sufficiently" or "fully" represented "the sentiment . . . political experience, intelligence or popular will of the country." Foster believed Díaz shared his view and desired the Chamber to end "its existence on the 31st in order that a new Congress, complete in both bodies, may be selected in accordance with the Constitution, by the unrestricted-vote of the nation." Nevertheless, Foster believed the partial victory of constitutional government would "strengthen" the Díaz government. And, according to Foster, "peace and order" reportedly

prevailed "throughout the country, and the authority of General Diaz continues generally to be recognized."<sup>26</sup>

The position assumed by Vallarta, that any agreements on outstanding problems were precluded by the absence of official relations, was encouraging to Foster. However, it placed him in a position of waiting for instructions before renewing the dialogue with the Díaz government. Foster, on April 28, 1877, despatched a lengthy unofficial and confidential letter to Evarts urging recognition. He reported that Vallarta was "manifestly quite disappointed" that the last mail brought no answer to the autograph letter. The Díaz government "labors under" a "great embarrassment," Vallarta informed Foster, by not having an official representative in Washington. Mariscal and the Consul General Navarro were Lerdist and the Díaz government did not believe it advisable to place confidence in them. However, until "some indication" was "received that official relations are considered" the Porfirista authorities deemed it inadvisable to replace them.

Foster referred to the January 19 instructions from Fish giving him discretionary authority to recognize the Díaz government and to his decision to delay recognition as

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<sup>26</sup>Foster to Evarts, April 25, 1877. Mexican Despatches.

the "best policy . . . for the well being of Mexico." He had recommended postponing recognition until the "constitutional form" was re-established. This now having been completed, Foster, therefore, advised that it seemed "to be a proper time to recall the subject of recognition for consideration." During the three months since he advised delay, Foster stated, "almost uninterrupted peace has prevailed and the authority of Diaz is everywhere recognized." Lerdo and Iglesias, unable to "secure any manifestations in their favor in any part of the country," present no threat to Díaz. Their "blunders and obstinacy," according to Foster, eliminated them as serious claimants.

Although he supported the constitutional over the revolutionary principle of government and regarded the latter "as ruinous to Mexico and detrimental to . . . peaceful relations," Foster believed "the question presents itself whether the Diaz government has not now reached the position, where we must recognize it as the government of the nation." The Díaz government was "certainly the only existing government" and "no other has a foothold in the country or a semblance of power," according to Foster. In addition, it was the only government the United States could "practically treat" concerning protection of American citizens and interests.

Foster thought it likely Díaz would be ousted by the same means by which he gained power. However, at present, he appeared "well established in power." In the past fifty years Mexico had nearly "sixty changes of government" and the United States recognized "the great portion" of them. This was not sufficient by itself to warrant recognition but Foster believed it should be considered when applying the stability criterion.

Díaz, Foster argued, possessed "military prestige," popular support, "a large army, . . . integrity, candor, and good health." The only threats to his continuing in authority, Foster believed, would "most likely . . . arise from State dissensions . . . [or] unwise administrative acts." And his limited administrative ability could be offset in part by the appointment to his cabinet of experienced, able, and prudent individuals. This Díaz had promised to do when he reorganized the cabinet following his inauguration, according to Foster. The only alternative to Díaz, seemed to Foster, to be anarchy. The restoration of Lerdo would bring guerrilla warfare. Although it was "difficult to forecast the future of Mexican politics," it appeared to Foster that Díaz was "well entrenched in power and able to maintain himself." He claimed the United States press reports

of revolts in Mexico were "generally without foundation."

The minister inclined "to the opinion that it is [ was] expedient to recognize the government of General Diaz." Díaz had been "in peaceful control of the entire country for four months." And Foster, in his efforts to "protect American interests, redress wrongs or make reparation" was in an "embarrassing official position" since he could not treat in an official way with the existing government. Foster believed his colleagues in the diplomatic corps looked to him for leadership and "their governments will probably instruct them to follow my action."

Alluding to the possibility that Fish postponed recognition on his advice, Foster requested reaffirmation of his discretionary authority to extend formal recognition. If granted, he would, "concurrently with the act of recognition," obtain "adjustment . . . of some of the pending questions." Specifically, Foster mentioned the border troubles, removal of the Indians from the northern frontier of Mexico, seizure of the schooners, and the Acapulco difficulties.<sup>27</sup>

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<sup>27</sup>Foster to Evarts, April 28, 1877 (unofficial and confidential). Mexican Despatches. The United States consul at Acapulco, Sutter, on March 2, 1877, protested the confiscation of the property of one Henry Kaston. On March 5, Sutter was arrested on the street of Acapulco and imprisoned on

In his lengthy discourse in support of recognition, Foster cited the rulings of the Mixed Claims Commission to support his position. Foster questioned whether the decisions by the Commission made recognition desirable "in order to fix upon Mexico responsibility for the claims . . . of

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orders of General Vicente Jiménez. The relations between the General and Sutter were already strained. After Jiménez ousted General Alvarez, the family of Alvarez boarded the United States ship, the Moses Taylor, under the consul's protection.

On April 2, Foster received a report of what occurred. He immediately called on Vallarta and requested action by the Díaz government. On the morning of April 4, Foster renewed his request. Vallarta informed him that Díaz had ordered the restoration of Kaston's property and the release of Sutter. Foster demanded full reparations if the Consul had been illegally arrested. But he carefully pointed out that the United States would not support any illegal action by its citizens. On April 4, 1877, Juan B. Verde, Porfirista commander of Mexican naval forces in the Pacific, offered his protective services to Sutter. [Foster to Evarts, April 11, 1877 (with letter from Verde). Mexican Despatches].

Earlier, on February 2, Porfirista forces violated the Mazatlán Consulate to seize General F.O. Arce, Lerdist Military Governor of Sinaloa. Foster confirmed the violation in a conversation with Arce, who was paroled in Mexico City as a prisoner of the President. And Foster, on March 20, called on Vallarta and informed him of the situation. However, Foster disavowed any extraterritoriality for United States consuls in Mexico or right of Legations to grant political asylum. After Vallarta promised to investigate the matter and secure punishment for any person "found wanting in courtesy to the Consul or to his flag," on February 20, 1877, Foster through Consul-General Skilton advised the Consul to avoid providing "permanent protection to political refugees" because this could occasion conflict with local authorities. [Foster to Evarts, March 23, 1877 (510). Mexican Despatches. Enclosed is Mazatlán Consul's detailed account and Foster's letter to Skilton].

American citizens against the Diaz government."

The discussion in the United States press of establishing a protectorate over Mexico caused Foster to offer the opinion that the United States should exert only that "pressure or influence . . . in the internal affairs" of Mexico necessary to "secure the peace and good order" of the border and protection of "American citizens and their interests." He ventured this view without knowing "whether the question . . . of a protectorate . . . [had] any support in the councils of President Hayes."<sup>28</sup>

In conclusion, Foster, although urging recognition, stated that if the Department's views were contrary to his own, he would "cheerfully follow" the policy. He requested information on the Shafter crossing and the views of the Department. After Díaz was inaugurated, Foster telegraphed a request to Evarts, for "specific instructions" on his unofficial and confidential letter.<sup>29</sup>

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<sup>28</sup>Foster to Evarts, April 28, 1877 (unofficial and confidential). Mexican Despatches. Enclosed are extracts from the January 20, 1877, letter from Foster to Fish. As early as March 19, 1877, Foster reported editorials in leading Mexican newspapers expressed concern over discussion of a protectorate in the United States press. (Foster to Evarts, March 19, 1877. Mexican Despatches).

<sup>29</sup>Foster to Evarts, May 7, 1877 (telegram). Mexican Despatches.

After receiving Foster's telegram requesting specific instructions, Frederick W. Seward, on May 16, 1877, responded to the detailed despatches of April 24, 25, 26, May 7, and the unofficial and confidential letter of April 28. The First Assistant Secretary of State stated that the information supplied by Foster presented "clearly the extraordinary condition of affairs in Mexico." Seward did not indicate what he considered extraordinary. The United States, Seward explained, desired to protect its citizens and their rights but did not "seek to intervene in political contests or changes of administration."

As for recognition, Seward informed Foster, the United States was

accustomed to accept and recognize the results of a popular choice in Mexico, and not to scrutinize closely the regularity or irregularity of the methods by which presidents are inaugurated. In the present case it waits before recognizing General Diaz as the President of Mexico until it shall be assured that his election is approved by the Mexican people, and that his administration is possessed of stability to endure and of disposition to comply with the rules of international comity and the obligations of Treaties.

Recognition by the United States would "imply a belief" that the above conditions existed in Mexico. The three traditional tests of recognition, popular approval, stability, and fulfillment of international obligations, were being applied by the

Hayes administration with a strictness unprecedented in United States history.

However, Seward went even further. He stated:

The recognition of a President in Mexico by the United States has an important moral influence, which, as you [Foster] explain, is appreciated at the capital of that Republic. It aids to strengthen the power and lengthen the tenure of the incumbent, and if as you say, the example of the United States in that regard is one that other nations are disposed to follow such recognition would not be without effect, both upon the internal and the external peace of Mexico. You justly remark that in fifty years there have been about sixty changes of administration in Mexico, and it may be added that those administrations have been longest lived that were most faithful and friendly in the discharge of their treaty obligations to the United States.

The payment of the claims payment was received with gratification but Seward expressed "grave regret" that in other matters "the customs of friendly intercourse and the obligations of Treaties have been neglected, disregarded or violated." Specifically, Seward mentioned:

. . . raids and depredations upon the Texas frontier; theft, murder, arson, and plunder; violation of post-offices and custom-houses; incursions by armed men to destroy life or property; cattle-stealing has become a profitable occupation; military officials posted to protect the frontier are said to have protected the robbers; forced loans have been demanded, and American citizens have been compelled to submit to unjust and unequal exactions. Within the past few weeks the guides of an American commander have been seized and carried into the interior, with threats of summary execution; and a consul of the United States, in gross violation of international comity, has been imprisoned.

Seward conceded that the government of Mexico "was powerless to prevent these infractions . . . in many cases." But, he continued, the infractions "are such as this government cannot allow to pass without remonstrance, nor without insisting that it is the duty of a friendly power to use the means at its disposal to check or repress them." To date, Seward charged, "not one single man, so far as is known to this government, has been punished." And of the infractions, many were "committed, if not with the sanction at least in the name of the government of Mexico."

Besides using Foster's own arguments to justify rejection of his recommendation, Seward seemed to chastise the minister for his credulity. He agreed that the Díaz government desired recognition, friendly relations, and the settlement of existing differences. While it was "natural that Mexican statesmen should urge upon you the argument that the restoration of official relations between the two governments would open the way toward such an adjustment," Seward believed it was equally "natural, on the other hand, that the Government of the United States should be disposed to believe that some guarantee of such an arrangement should be made the condition precedent to any recognition, rather than to trust to the possibility that it may ultimately follow."

Foster was instructed to continue his "unofficial and informal" contact with the Díaz government. He was authorized to present the Department's policy "in whole or in part" at his "own discretion." However, he was not to fail to let it be clearly understood, that while the government of the United States "seeks amity and cordial relations with their sister Republic, they prefer to await some evidence that their friendship will be reciprocated," before re-establishing official relations.<sup>30</sup>

The May 16, 1877, instructions departed radically from traditional United States policy. While not demanding approval of an "arrangement" before, or concurrently with, recognition, a guarantee of an agreement was required. Seward did not fully explain what "arrangement" he referred to or to what would be considered a "guarantee." The Hayes administration, apparently, decided, before issuing the May 16 instructions to Foster, that the Mexican response would be unsatisfactory. Before the instructions arrived in Mexico City, new reports of border depredations were received from Texas. And the Hayes administration decided officially to authorize United States troops to pursue marauders into Mexico.

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<sup>30</sup> Seward to Foster, May 16, 1877. Mexican Instructions.

## CHAPTER V

### MARAUDERS AND SPECULATORS

The border situation and the activities of individuals seeking economic concessions in Mexico confused and complicated the recognition question before the administrative transition was completed in the State Department. On the day following Evarts' formal assumption of the position of Secretary of State, George W. McCrary, the Secretary of War, forwarded to the Department of State a report on recent developments in the state of Tamaulipas. Juan N. Cortina had been arrested. His political rival, Servando Canales, the new governor, had arrived with one thousand troops. But Canales refused to recognize the authority of Miguel Blanco as military commander of the Rio Bravo line. Brigadier-General E.O.C. Ord, commander of the Department of Texas, concluded that the reports indicated Canales was

"not committed toward Diaz, [and was] working for himself."<sup>1</sup>

The report by Ord arrived before the March 27 instructions were issued, and possibly, reinforced the decision to delay recognition. Three days after instructing Foster, on March 27, 1877, to postpone recognition, Evarts received a report on border raids. On March 28, 1877, Secretary of War McCrary sent to Evarts a copy of the communications from Lieutenant-Colonel Shafter, commander of the Nueces district of the Department of Texas, "relative to the murder and robbery of American citizens in Texas by raiding parties of Mexicans and Indians from beyond the Mexican border."<sup>2</sup> Since October 1, 1876, according to Shafter, seventeen men were killed by Indians "that have been followed from scene of the murder to the Rio Grande." In addition to the murders, three raids since December 30, 1876, "within

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<sup>1</sup>General Miguel Blanco to Lieutenant-Colonel Thomas E. Devin, commander of Fort Brown, February 18, 1877; Devin to Colonel J.H. Taylor, February 25, 1877 (telegram); Devin to Assistant Adjutant-General, March 3, 1877; and Ord to Drum, March 5, 1877 (telegram). U.S., Congress, House, Committee on Foreign Affairs, Mexican Border Troubles, 45th Cong., 1st Sess., 1877, House Doc. 13 (Serial 1773), 132-134. Hereafter cited as House Doc. XIII. Blanco and his staff left Matamoras on February 28, 1877.

<sup>2</sup>McCrary to Evarts, March 28, 1877. House Doc. XIII, 4. Shafter was a member of the Twenty-fourth Infantry headquartered at Fort Clark, Texas.

ten miles of Fort Clark" resulted in the theft of at least three hundred cattle and about one hundred horses. One party of marauders was pursued "about 150 miles into Mexico, to their camp." However, the culprits fled to their urban sanctuaries. This was the customary tactic, according to Shafter.

He charged that the Mexican authorities made "not the slightest attempt" to control the Indians. And the raiders found "refuge in the towns when pursued, and a market for their stolen plunder at all times." According to William Schuchardt, the consul at Piedras-Negras, stolen property was "openly offered for sale in Saragossa, Mexico." Efforts were made to locate and attack the marauders' camps but with little success. Two cavalry companies, supplied by Fort Clark, were on patrol duty. Shafter hoped the patrols could prevent the gathering of cattle near the Rio Grande for crossing or quickly pick up the trail of the Indian marauders.

However, prevention of future incursions, Shafter asserted, required "full authority to operate in Mexico as we choose." This would enable United States' forces to conduct all of their scouting in Mexico. According to Shafter, it was useless to attempt to locate the raiding parties,

consisting of four or five Indians, after they crossed into Texas. He argued that the United States was justified in authorizing military operations in Mexico because of the "incontrovertible fact" that all raids originated in Mexico and only American citizens suffered loss of property and life.

General Ord endorsed Shafter's report and forwarded it to General P.H. Sheridan, commander of the Military Division of the Missouri. Sheridan acknowledged the problem and the impossibility of preventing raids along such "a very long and crooked frontier." But he did not endorse the remedy suggested by Shafter. Instead, Sheridan recommended that "the Mexican Government be compelled to prevent these hostile incursions."<sup>3</sup> Evarts forwarded the information to Foster with the warning that Shafter's recommendation might be accepted if the raids continued.<sup>4</sup>

On April 19, 1877, McCrary forwarded to Evarts a

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<sup>3</sup>Shafter to Assistant-Adjutant General, March 9, 1877; Ord to Sheridan, March 13, 1877; and Sheridan to Adjutant-General, March 19, 1877. House Doc. XIII, 4-5.

<sup>4</sup>Evarts to Foster, March 31, 1877. Mexican Instructions.

report by Ord relating new border troubles.<sup>5</sup> Since the Díaz revolution, according to Ord, "the worst elements seem to have come to the surface" as border authorities. They frequently displayed "open and undisguised hostility" to United States agents and military commanders. Ord contrasted this with the "respect and good-will" shown by the authorities along the border during the administrations of Juárez and Lerdo. He considered the ousted Lerdist, General Revueltas, "a gentleman and good officer." And the border authorities under Juárez and Lerdo had at least "pretended to defer to the central government." Ord alleged that the Lerdist authorities "were disposed to encourage his [Shafter] pursuit of the raiding Indians and consented to his crossing into Mexico."

He believed the frontier situation was "such as to call for serious consideration, whether it is not now necessary for this government, for the protection of its

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<sup>5</sup>McCrary to Evarts, April 19, 1877. House Doc. XIII, 8. A request by Thomas F. Wilson, the United States consul at Matamoras, on March 9, occasioned the report by Ord. After the arrest of Cortina, the consul suggested withdrawal of the gunboat Rio Bravo from the Rio Grande. General Ord was informed and his views solicited. The General had requested the gunboat earlier to "have ready facilities for crossing into Mexico" to suppress raids and recover stolen property. Ord argued that the unreliability of the local and state authorities necessitated retention of the gunboat.

citizens along this border, to do something besides act as spectators of the contest between guerrilla leaders for mastery in contiguous States of Mexico." The raids were increasing and some of the marauding Indians possessed passes from the local authorities, according to Ord. Specifically, he charged that the local government of Coahuila seemed to have entered into an alliance with the Indians.

The incident which occasioned the remarks by Ord was the arrest of two Crow Indian guides by the alcalde of Piedras Negras. William Schuchardt obtained the services of the guides for Shafter. Ord understood that the alcalde was ordered to arrest any person or persons who guided United States troops in Mexico. After Schuchardt telegraphed information that the guides would soon be executed, Ord directed the district commander to "promptly, secure their release."<sup>6</sup> He instructed Shafter to direct Colonel J.H. Taylor, the post commander of Fort Duncan, to inform the Governor of Coahuila through the alcalde, that the crossings had been authorized by the United States' government to punish raiders and recover property. And the arrest of the guides would be interpreted to mean the local authorities

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<sup>6</sup>Ord to Assistant Adjutant-General, April 3, 1877; Wilson to Hunter, March 9, 1877. House Doc. XIII, 9, 69.

were determined to protect and cooperate with the marauders.<sup>7</sup>

Between two o'clock in the morning and dawn on April 3, three cavalry companies under Shafter and two infantry companies under Colonel Schofield, crossed the Rio Grande. Before entering Piedras Negras, the troops were challenged and threatened by a small party of Mexicans, but no shots were fired. The United States forces withdrew after seizing the jail and discovering the prisoners had been removed.<sup>8</sup>

When he received the first reports of the Piedras Negras incident, Mariscal met with Seward. After receiving further information, Mariscal filed a protest with Evarts, challenging Ord's statements that the Lerdo government approved pursuit. Mariscal pointed out that the Mexican constitution prohibited such agreement, but even if permission were given, he continued, the occupation of Piedras Negras was not justified. The violation of territory, according to Mariscal, hindered harmonious relations and obstructed any frontier settlement. He hoped the responsible parties would be "reprimanded" and proper measures adopted to prevent similar occurrences in the future. In reply,

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<sup>7</sup>Ord to Shafter, April 1, 1877; Ord to Taylor, April 3, 1877. House Doc. XIII, 11.

<sup>8</sup>Taylor to Ord, April 3, 1877. House Doc. XIII, 11.

Evarts promised an inquiry.<sup>9</sup> He sent a copy of Ord's report to Foster, with instructions to offer explanations.<sup>10</sup>

Foster reported that the occupation of Piedras Negras created "considerable excitement" in Mexico City. Before receiving the report by Ord, Foster, in reply to a protest by Vallarta, confessed a lack of information. However, he understood such action was contrary to the prevailing orders and, therefore, if the reports were accurate "there must have been some serious cause."<sup>11</sup>

The arrest of the guides produced renewed demands from Texas for remedial measures. The Galveston News advocated the establishment of a protectorate over Mexico if necessary to end the depredations.<sup>12</sup> James Ware, Texas district judge, "having learned" that Congressman Schleicher's "opinion upon frontier matters" was "respected" by the Hayes administration and that his "representation of occurrences" was "credited," wrote to Schleicher concerning the depredations. He recommended pursuit into Mexico because the local

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<sup>9</sup>Mariscal to Evarts, April 28, 1877 (translation); Evarts to Mariscal, May 1, 1877. House Doc. XIII, 56-57, 59.

<sup>10</sup>Evarts to Foster, May 2, 1877. Mexican Instructions.

<sup>11</sup>Foster to Evarts, April 16, 1877. Mexican Instructions.

<sup>12</sup>Galveston News, April 28, 1877, editorial.

authorities would not, and the central government could not, prevent the incursions.<sup>13</sup>

Schleicher, on May 7, 1877, urged Hayes to act pursuant to the 1876 report by the special committee on Texas border depredations. The committee had recommended pursuit into Mexico. The letter closely paralleled the April 1 report by Ord. Schleicher referred to the "new feature" accompanying the resumption of the raids following the lull occasioned by the Díaz revolution. The affected areas, the upper Rio Grande around Eagle Pass and south from San Antonio to the border, remained the same and the usual "contenance and assistance" from Mexicans continued.

It seemed to Schleicher, however, that since the triumph of the Tuxtepec revolution, the Indians were "commanded and employed by Mexicans and officials representing the authority of the Diaz government." This was the same charge made by Ord. And Schleicher, like Ord, cited the reported practice of the alcalde of Zaragossa issuing passes to marauding Indians crossing into the United States to facilitate their return to Mexico. Another similarity between the comments by Schleicher and the report by Ord was

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<sup>13</sup>James Ware to Schleicher, May 1, 1877. House Doc. XIII, 72-76.

the congressman's statement that the Porfiristas displayed "an exceedingly hostile feeling" toward Americans. He attributed this to the enthusiastic reception given Escobedo while in San Antonio and western Texas. This embittered the Porfirists.

Schleicher recommended "pursuit if necessary into their dens" as the "only efficient defense for our country." The crossing by MacKenzie, in 1873, according to Schleicher, produced the only "years of peace" on the border since the raids commenced in 1866. He stated the independent "robber villages," not the Díaz government, were responsible for the raids. In conclusion, Scheicher urged the adoption of "all steps incident and necessary" to provide protection for citizens of the United States. And informed Hayes "our people look to your administration with renewed hope."<sup>14</sup>

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<sup>14</sup>Scheicher to Hayes, May 7, 1877. House Doc. XIII, 72-76.

The possibility of concerted action by Schleicher and Ord is further indicated by letters by both on April 2, 1877, urging transfer of the troops in South Carolina and Louisiana to the Texas border. Schleicher offered the suggestion to Sherman. Ord wrote to Sherman and Evarts. Ord did not believe a war was needed. He thought pacification of the northern Mexican states would have the added advantage of securing southern votes in Congress against a reduction of the army. See Robert D. Gregg, The Influence of Border Troubles on Relations Between the United States and Mexico, 1876-1910 (Baltimore: The Johns Hopkins Press, 1939), 33, 34.

Senator S. B. Maxey of Texas, on April 6, 1877, in a

The War Department reports and recommendations, undoubtedly, were partly responsible for the special emphasis assigned to the border depredations in the May 16 instructions. The decision to delay recognition was re-enforced by the border situation and provided a possible method of compelling, as Sheridan recommended, the Díaz government to exert efforts to suppress the marauding. However, the withholding of recognition was not determined by the border situation and the Hayes administration did not anticipate that postponement of recognition would produce a satisfactory border solution.<sup>15</sup> The incursions continued and with each report the pressure increased for authorization to pursue the marauders across the Rio Grande.

On May 18, 1877, Evarts received a War Department communication concerning a new raid. Approximately thirty-five

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letter to Hayes described the border problem as "the most complicated and difficult of solution of any with Mexico." However, he did not suggest any remedies. (Maxey to Hayes, April 6, 1877. Hayes Papers).

<sup>15</sup>Frederick W. Seward, Reminiscences of a War-Time Statesman and Diplomat, 1830-1915 (New York: G.P. Putnam's Sons, 1916), 436. Seward, who wrote the May 16 instructions, in his reminiscences stated that he determined the recognition policy. Cosío Villegas, U.S. versus Diaz, on page 65 stated Seward "would not have taken a resolution without consulting with the President." However, Foster's request for instructions arrived on May 15 and Hayes was in New York on May 15 and 16. (Williams, ed., Diary of a President, 87).

Mexicans and Indians reportedly stole two hundred horses in Texas and drove them into Mexico. Troops were readied to pursue as soon as the trail was discovered. General Sheridan, after receiving the report, observed that prevention of the incursions was "almost impossible" because of the "very long and difficult frontier" and the limited number of troops. Once more Sheridan stopped short of an endorsement of pursuit into Mexico. He repeated his earlier recommendation "that the proper authorities take some steps to require the Mexican government to aid in the protection of that frontier."<sup>16</sup>

However, Shafter and Ord renewed their requests for authorization to cross the Rio Grande. On May 10, 1877, Shafter reasserted that the Lerdist civil and military authorities on the frontier fully and freely consented to pursuit. And he claimed he had "been assured that, as soon as the present revolutionary government is overthrown, United States troops will be invited to pursue any and all marauders without regard to the boundary between the United States and

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<sup>16</sup>McCrary to Evarts, May 16, 1877; Shafter to Taylor, April 24, 1877 (telegram); and Sheridan to Adjutant-General, May 5, 1877. House Doc. XIII, 12-13. McCrary stated two hundred cattle were stolen, although Shafter reported it was horses!

Mexico."<sup>17</sup>

The remarks by Shafter prompted Ord to request clarification of the orders relative to the border incursions. He sought confirmation of earlier "telegraphic instructions" from Sherman. He understood that pursuit into Mexico, "on fresh trails" and to recover stolen property, was authorized.

When Sheridan received the request by Ord, he cautioned Sherman to view reports of raids "with very great doubts." Probably alluding to the activities of the Lerdistas, he stated the revolutionary conditions along the border were "stimulated to some extent by citizens of Texas." Therefore, Sheridan advised "if any raiding occurred" the reports would be "exaggerated."<sup>18</sup> Schleicher, while differing with Sheridan's views on pursuit, in his letter to Hayes on May 7, recognized the influence of the Lerdistas. He believed they "delight [ed] in fomenting quarrels between the Diaz men and the Americans."<sup>19</sup> Apparently ignoring Sheridan's

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<sup>17</sup>Shafter to Assistant Adjutant-General of Texas, May 10, 1877. William Schuchardt reported the Lerdist gefe politico of Piedras Negras had consented to crossings. Also, he believed the Piedras Negras area "will be in a few days in the possession of the legitimate [Lerdo] Government of Mexico." (Schuchardt to Hunter, May 14, 1877. House Doc. XIII, 70-71, 145-146).

<sup>18</sup>Ord to Adjutant-General, May 16, 1877; Sheridan to Adjutant-General, May 22, 1877. House Doc. XIII, 152-153.

<sup>19</sup>Schleicher to Hayes, May 7, 1877. House Doc. XIII, 74.

opinions, the Hayes administration ordered Ord to Washington for a conference on border policy. Before the meeting with Ord, Secretary of State Evarts on May 26, 1877, discussed the border problem with General Van Vliet. The General had just returned from a visit to Texas. He reported that supporters of Lerdo, including General Escobedo, were active along the border. Evarts noted that Van Vliet believed there was "no danger of complications" from the activities of the Lerdists or the recent border crossings by the American troops.<sup>20</sup>

Two days after the meeting with Van Vliet, the policy conference convened. Evarts, McCrary, Sherman, and Ord met to consider the "effect of U.S. Troops crossing Mexican frontier in pursuit of raiders." Sherman favored pursuit immediately following each incursion. However, he suggested that the sole objective of crossing the border should be the recovery of stolen property. General Ord concurred. In addition, he offered the opinion that "the Mexican people

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<sup>20</sup>Evarts Journal, 1877-79, Box 25, 62. The William M. Evarts Papers. Library of Congress (Manuscript Division). Hereafter cited as Evarts Papers.

Ord later stated he believed the June 1 order was issued at his "solicitation." U.S., Congress, House, Committee on Foreign Affairs, Relations of the United States with Mexico, 45th Cong., 2nd Sess., 1877-1878, House Report 701 (Serial 1824), 14-15. Hereafter cited as House Report 701.

would not be unfavorable to a rectification of the frontier if convinced that the American people desired it."

After the conference, Evarts consulted his predecessor, Hamilton Fish, "and an order was issued on the subject" of raids.<sup>21</sup> Foster was instructed to make it understood, without officially remonstrating, that if Mexico continued to neglect its duty the United States "may be compelled in self-defence to disregard the boundary in seeking for and punishing those bandits."<sup>22</sup>

As a formality, the following day, Sherman forwarded Ord's request for instructions to McCrary with a recommendation that United States' troops be instructed to pursue marauders into Mexico. Hayes approved the recommendation, and on June 1, 1877, McCrary issued the order previously agreed upon. A copy was transmitted to Evarts. The Secretary of War informed Sherman that the President, after consideration of the numerous reports and documents relating to border depredations;

desires that the utmost vigilance on the part of the military forces in Texas be exercised for the suppression of these raids. It is very desirable that efforts to this end, in so far at least as they necessarily involve operations on both sides of the border, be made with the

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<sup>21</sup>Evarts Journal, 64. Evarts Papers.

<sup>22</sup>Evarts to Foster, May 28, 1877. Mexican Instructions.

cooperation of the Mexican authorities; and you will instruct General Ord . . . to invite such cooperation and to inform them [local Mexican authorities] that while the President is anxious to avoid giving offense to Mexico, he is nevertheless convinced that the invasion of our territory by armed and organized bodies of thieves and robbers to prey upon our citizens should not be longer endured.

General Ord will at once notify the Mexican authorities along the Texas border, of the great desire of the President to unite with them in efforts to suppress this long continued lawlessness. At the same time he will inform those authorities that if the Government of Mexico shall continue to neglect the duty of suppressing these outrages, that duty will devolve upon this government, and will be performed, even if its performance should render necessary the occasional crossing of the border by our troops. You will therefore, direct General Ord that in case the lawless incursions continue he will be at liberty, in the use of his own discretion, when in pursuit of a band of the marauders, and when his troops are either in sight of them or upon a fresh trail to follow them across the Rio Grande, and to overtake and punish them, as well as retake stolen property taken from our citizens and found in their hands on the Mexican side of the line.<sup>23</sup>

In addition to the border difficulties the activities of four speculators further complicated the recognition question. Their real and alleged connections with the Hayes administration confused Foster and deepened the suspicions on both sides of the border regarding United States policy. The first to arrive in Mexico was Simon Stevens, president of the Tehuantepec Railroad Company. During the Lerdo administration, Stevens secured a transit concession for the

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<sup>23</sup>McCrary to Evarts, June 1, 1877; McCrary to Sherman, June 1, 1877. House Doc. XIII, 14.

isthmus of Tehuantepec but the concession expired in January, 1874. In an attempt to obtain support for renewal of the agreement, Stevens enlisted the cooperation of Plumb. Each pledged to support the project of the other in their negotiations with the Lerdo government. Foster, who was already aiding Plumb, agreed to lend them his good offices.<sup>24</sup> Stevens obtained an extension of time, but the Tuxtepec revolution suspended his concession.<sup>25</sup>

Stevens arrived in Mexico during the first week in May, 1877. He called on Foster, presented a card from Seward, and requested a private interview with the minister. During the meeting with Foster, Stevens related the details of an alleged conference with Seward and Evarts, asserting that before leaving Washington he met for three hours with the Secretary and First Assistant. Stevens stated that Evarts "invited" him to visit Mexico City and while there to ascertain "the political condition of affairs" and confidentially report to the State Department. Stevens reported that he accepted the invitation. Then, according to the Tehuantepec agent, Evarts tore up instructions ordering Foster to Washington for "consultation."

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<sup>24</sup>Plumb to Thomas Pearsall, November 21, 1873. Plumb Papers. Pearsall was the Treasurer of the International Company.

<sup>25</sup>Pletcher, Rails, Mines, and Progress, 84.

Stevens claimed the Secretary of State permitted him to read all of Foster's despatches and confidential letters. And provided a Department cipher to be used "freely" in telegraphic communication, since, Stevens reported, the Department "felt . . . in great ignorance" of the Mexican situation and desired his views on the proper course of action. Stevens alleged that Seward prepared a rough draft of a despatch for Foster directing the minister to "cooperate fully" with him "as a secret or private agent" of the United States. On the basis of this, he requested Foster to arrange a meeting with Díaz.

Foster refused to honor Stevens' request because official relations were not established. And until the alleged instructions arrived he could not present United States citizens to Díaz. Unofficially and confidentially, Foster reported, he refused because of a "strong objection growing out of my sense of self-respect and of official propriety" since he "greatly doubted that the Secretary of State would desire or expect" him to arrange a meeting "which specially pertained" to his own "official duties."

Foster believed Stevens similarly misrepresented his position during the meeting with Díaz. By asserting that he was on an official confidential mission, he hoped to promote

the Tehuantepec project. In conclusion Foster disavowed in advance any attempt by Stevens, upon his return, to represent Foster's views. He cautioned that Stevens would be "naturally inclined to take a kindly view of the Diaz government, from the fact that he hopes for favorable action from it for his Railroad."<sup>26</sup>

On May 16, 1877, Stevens met with Foster and reported that the Díaz government had agreed "informally" to a treaty of transit neutrality authorizing the project. He departed for Washington on the night of May 16, to present the discussed agreement to Evarts. According to Foster, repeated "failures and delays in the past" caused "considerable distrust" of the Tehuantepec project in Mexico.<sup>27</sup>

Seward "fully approved" Foster's action regarding Stevens. The minister's report was labeled "judicious and discreet." The first secretary stated that it was not unusual in the present United States-Mexican situation for citizens "to offer their services in procuring information or to obtain some assurance of protection or safe conduct." "In all cases of official action," Seward assured Foster, the

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<sup>26</sup>Foster to Seward, May 16, 1877 (unofficial and confidential) Mexican Despatches.

<sup>27</sup>Foster to Evants, May 16, 1877. Mexican Despatches.

Department would inform him "in writing." And he would "not be expected to rely upon the verbal statements of travelers, who, naturally enough, perhaps, are apt to magnify the importance of their own errands."<sup>28</sup> Apparently, the only credible part of Stevens' allegations was that he met with Seward and offered to secure information for the Department on the Mexican situation.

Before Foster's confidential report arrived at the State Department, Stevens returned to Washington and on June 1, conferred with Hayes. He showed the President a photograph of Díaz and Hayes "expressed a desire to retain" the photograph. Early in September, Stevens used the casual comments by the President to renew his efforts in behalf of Díaz. He requested that Hayes accept a "life size crayon bust" of Díaz for the White House. According to Stevens, "some friends of yours [Hayes] and of Mexico" wished to make the donation to show "their gratification."<sup>29</sup> On October 7, 1877, Stevens mailed the gift to Hayes. Three days later Stevens inquired whether the bust had arrived and referred to Díaz as the "constitutional President of Mexico." He offered his opinion that "when his [Díaz] administration . . . is

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<sup>28</sup>Seward to Foster, May 29, 1877 (unofficial and confidential). Mexican Instructions.

<sup>29</sup>Stevens to Hayes, September 3, 1877. Hayes Papers.

officially recognized it will soon be found that the original of this portrait will prove to be the great Reformer of Mexico and [sic] the friend of the United States, who in harmony with your [Hayes] own Administration will give perpetual peace and prsoperity to the two nations."<sup>30</sup>

It seemed that Stevens received encouragement from Díaz for the Tehuantepec project and in return supported the re-establishment of official relations between the United States and Mexico. However, Stevens apparently expended only meager efforts to influence the Hayes administration. He was not involved in the decision to delay recognition and he supported early recognition of Díaz. The misrepresentation of his position to Foster eliminated any possibility of Stevens influencing recognition policy.

A second promoter, General E.S. Reneau, approached the State Department late in May, announced his intention to travel to Mexico, and offered to carry with him the Departmental despatches. Seward accepted Reneau's offer and informed Foster. He carefully pointed out that Reneau possessed no "official character or instructions" other than Bearer of Despatches and his status as Bearer would terminate after delivering the despatches at the Legation. However, Seward

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<sup>30</sup>Stevens to Hayes, October 10, 1877. Hayes Papers.

believed Reneau's "personal acquaintance with prominent men in Mexico might enable him to obtain information that could prove "useful" to Foster. Nevertheless, Seward assured Foster that he would be the "best judge" of any information supplied by Reneau and instructed the minister to exercise his "own discretion in regard" to comments offered by Reneau.<sup>31</sup>

The purpose of Reneau's trip to Mexico was to obtain recognition of a concession signed on July 10, 1860, by Juárez at Veracruz which granted Reneau and Company a railroad and land franchise. Reneau presented a copy of the concession to Hayes on April 19, 1877, preparatory to his journey to Mexico.

About three weeks after arriving in Mexico, Reneau secured tentative approval of the 1860 agreement by the Díaz government. On July 4, 1877, Riva Palacia, Porfirista Minister of Fomento, informed Reneau that Díaz agreed to recognize the agreement. When he arrived at New Orleans on July 17, Reneau presented a "glowing account" of the Díaz government. Although favoring recognition of the Díaz government because of the favorable action on his concession, Reneau apparently did not exert any significant effort to influence United States policy. The favorable reception Díaz

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<sup>31</sup>Seward to Foster, June 1, 1877. Mexican Instructions.

extended to Stevens and Reneau did not involve any definite commitment on his part and probably was determined in part by his desire for favorable United States action on recognition. Foster concluded that they had some disturbing impact on Mexican relations.<sup>32</sup>

The two individuals who disturbed United States-Mexican relations the most were General John B. Frisbie and General M.G. Vallejo, both of California. They had become acquainted with Evarts in 1876, when the Secretary served as their attorney in the Supreme Court Case of Frisbie versus Whitney (9 Wallace 187), a suit involving land claims. Frisbie won the case and Evarts received a fee of one thousand dollars.<sup>33</sup> The two Californians, early in May, 1877, called

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<sup>32</sup>Foster to Evarts, July 30, 1877 (unofficial). Mexican Despatches. Foster stated Reneau reportedly informed Díaz and other officials that he possessed official authority. He allegedly claimed recognition would not occur until his grant was approved. Reneau called the concession to the attention of Hayes after recognition. He stated the copy of the agreement was in the possession of the Presidential private Secretary W.K. Rogers. Reneau requested authorization from Hayes to serve as special envoy with power to negotiate a treaty of peace and commerce. The request was not granted.

One of the three individuals that posted the bond to guarantee performance of the concession was W. Hoyt, the territorial governor of Wyoming. (N.S. Reneau to Hayes, July 27, 1878. Hayes Papers.)

<sup>33</sup>Chester L. Barrows, William M. Evarts; Lawyer, Diplomat, Statesman (Chapel Hill: University of North Carolina Press, 1941), 240. Vallejo was Frisbie's father-in-law.

on Evarts and announced their intention to travel to Mexico.

On May 5, 1877, Evarts confidentially informed Foster of the forth-coming visit by Frisbie and Vallejo. He considered them "well informed as to public affairs, and familiar with the relations which exist between the United States and Mexico." Although they possessed "no official powers or functions," Evarts informed Foster that their views were "not unworthy of considerations." In addition, Evarts thought the two visitors might acquire valuable information for the United States.<sup>34</sup>

Frisbie and Vallejo arrived in Mexico City on May 27 and the following day called on the American minister who had already received the introductory instructions from Evarts. After the meeting, Foster reported that he would "lose no opportunity to extend to them any attentions in my power." Later Foster presented Frisbie to Díaz. According to Foster, Frisbie reported "satisfactory and encouraging progress in the matters referred to in your [Evarts] "confidential" letter of May 5th." Foster promised to "keep the subject carefully in view," and give it his "personal attention at the proper time" if "the occasion offer."<sup>35</sup>

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<sup>34</sup>Evarts to Foster, May 5, 1877 (confidential). Mexican Instructions.

<sup>35</sup>Foster to Evarts, May 28, 1877. Mexican Despatches.

The Minister apparently regretted his cooperation after learning the actual purpose of the visit by Frisbie and Vallejo.<sup>36</sup> On June 18, Frisbie informed Evarts of his meetings with Díaz. He stated that railroad concessions and cession of the northern states of Mexico were discussed. During his final meeting with Díaz on June 16, Frisbie argued that the sale of territory to the United States would provide the needed capital for railroad development in Mexico. Díaz "seemed to assent to the proposition," according to Frisbie, but said that the Mexican people were not likely to accept alienation of territory unless the benefits would justify such action. The nationalistic resentment occasioned by the delay in recognition and the order to Ord did not provide the best possible time for a Mexican executive to accede

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<sup>36</sup>Foster in his memoirs charged that the mission of Vallejo and Frisbie was "to force Diaz to sell much of the northern territory of Mexico." He stated that this was related to the desire of certain members of the Hayes administration to divert attention from domestic affairs by provoking a war with Mexico. (See Foster, Diplomatic Memoirs, I, 92-92.)

The only information in the Hayes Papers relative to Foster's ex post facto allegations was a letter from "an old man never in public life." He urged Hayes to "move the army to the Rio Grande and take up that casus belli that has existed there for years." This action it was suggested would unite the people, restore the "honor" of the army, divert attention "from our unhappy internal affairs," and result in the conquest of Mexico. [W.C. Stout (of Lewisburg, Arkansas) to Hayes, April 23, 1877].

to the sale of national territory.

Although Frisbie did not inform Evarts or Foster of the actual reason for his Mexican visit, he did not misrepresent his position to Díaz. When Díaz asked Frisbie if the United States was "inclined to treat for the Northern States," Frisbie replied that the United States would undoubtedly consider such a proposal advantageous. He informed Evarts that he believed the Díaz government would respond favorably to an offer for the northern territory. After receiving Frisbie's account of his conversations with Díaz, Evarts informed Hayes early in July.<sup>37</sup> However, they did not encourage Frisbie and on July 30, 1877, Foster reported the General had informed him that the principal objective of the mission had failed and he was returning to the United States.<sup>38</sup> Frisbie's principal objective seemed to be acquisition of concessions for the Southern Pacific railroad to construct a railway across the northern states of Mexico.<sup>39</sup>

On October 6, 1877, Foster reported the departure of Frisbie from Mexico. He entrusted Frisbie with the official

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<sup>37</sup>Callahan, Mexican Relations, 380-381. Frisbie in 1878 moved to Mexico and launched a long entrepreneur career in mining, railroad, sugar production, and electrical power.

<sup>38</sup>Foster to Evarts, July 30, 1877. Mexican Despatches.

<sup>39</sup>Barrows, William M. Evarts, 355.

despatches. Although Frisbie "failed in the main object of his political inquiries," Foster thought his contact with prominent officials and social leaders would enable him to provide "much valuable information in regard to the political and industrial condition of the country." According to Foster, the General seemed to favor immediate recognition "without treaty stipulations." This was a change from his earlier views which strongly supported Foster's interpretation of the May 16 instructions on recognition.

Foster suspected the reason for the change, but seemingly believed the Department had a high regard of Frisbie and his counsel. The minister expressed his suspicions with trepidation: "I trust I may be pardoned for saying to you [Evarts] confidentially that the General has recently embarked in some extensive business projects, and has the hope of railroad and colonization concessions." Foster thought the General was "a little visionary as to his success."

Anticipating possible State Department approval of Frisbie's recommendation in favor of immediate recognition, Foster carefully presented his official and personal views. He was "decidedly of the opinion that specific written assurances should be given or stipulations agreed upon before

recognition takes place." He considered the United States "demands . . . reasonable, just and necessary," and refused to accept "the responsibility of recommending a modification." However, restoration of official relations would relieve him of much political and social embarrassment. And a decision to extend recognition would "personally . . . be very agreeable" to the Minister. Therefore, Foster stated that if the Department concurred with the views of Frisbie, he would "take pleasure in carrying out" the subsequent instructions.<sup>40</sup>

The reports in the United States press of extraofficial and confidential missions, according to Foster created a "general feeling of distrust." Especially an exposé published by the New York Herald on July 2 and 3. The Cincinnati correspondent of the Herald charged that the United States planned to annex the five northern states of Mexico. He claimed commissioners had been appointed to negotiate the cession. Foster thought the charge "had a slight basis of truth." He despatched a copy of a letter, dated May 4, 1877, circulating in Mexico City, allegedly, from the "American Commissioner," J.B. Bowman of Kentucky, to Antonio D. Richard. The letter was written in answer to an earlier inquiry

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<sup>40</sup>Foster to Evarts, October 6, 1877 (confidential). Mexican Despatches.

concerning a desired railroad concession. It stated that Lerdo in an attempt to attract support was reportedly offering a liberal claims settlement and the possible cession of the northern states of Mexico. Therefore, Bawman suggested that Díaz counter by sending a reliable confidential agent to the United States to negotiate a cession of part of northern Mexico, in return for one hundred million dollars minus the claims of American citizens. A further advantage would be a United States guarantee to maintain Diaz in power."

Even if the letter were authentic, Bawman apparently was acting on his own initiative. He could only promise that he "had good reasons to believe that such a treaty could be effected in 90 days," if a representative were sent. Bawman was motivated by a desire for position. He stated that "perhaps" he "could receive the appointment of special agent or Minister Resident at Mexico to consummate matters."<sup>41</sup>

Of the promoters and speculators involved in Mexican affairs during the recognition controversy all, except Plumb, favored recognition of the Díaz government. Plumb, on March 23, 1877, urged Seward to withhold recognition from

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<sup>41</sup>Foster to Evarts, July 30, 1877 (unofficial). Mexican Despatches.

revolutionary authority. The restoration of constitutional order, Plumb asserted, offered the only hope for peaceful relations and expansion of commerce with Mexico. Early in April, Plumb met with Seward and Hunter in an attempt to prevent recognition of Díaz.<sup>42</sup>

Seward shared Plumb's concern for constitutional order in Mexico and regretted the revolutionary disruption of the "new era" of constitutional succession.<sup>43</sup> Both had labored to re-establish and sustain republican government during and following the French intervention.<sup>44</sup> The experience of Evarts, during the Civil War, and Hayes, in 1877, dictated caution in recognition questions.<sup>45</sup> However, the predilections of Seward, Evarts, and Hayes were for constitutional government and caution, not for commercial concessions or the cause of Lerdo. Foster's acknowledgement of the Díaz government as

<sup>42</sup>Pletcher, Rails, Mines, and Progress, 97.

<sup>43</sup>Seward, Reminiscences, 436.

<sup>44</sup>Rippy, U.S. and Mexico, 279-280.

<sup>45</sup>Brainerd Dyer, The Public Career of William M. Evarts (Berkeley: University of California Press, 1933), 63-71, 130. Evarts in 1863-1864 served as a special agent in Europe. His mission was to prevent European recognition of the Confederacy. Later, he served as a United States counsel in the arbitration of the Alabama claims.

the de facto government of Mexico was "fully approved."<sup>46</sup>

Plumb, disgusted with the passiveness and resignation of Lerdo, "abandoned his cause for good" when Lerdo denounced the crossing of United States' troops into Mexico.<sup>47</sup>

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<sup>46</sup>Evarts to Foster, March 27, 1877. Mexican Instructions.

<sup>47</sup>Pletcher, Rails, Mines, and Progress, 98.

## CHAPTER VI

### DIALOGUE AND DEADLOCK

On May 28, 1877, the day Frisbie arrived in Mexico and Evarts met with McCrary, Sherman, and Ord in Washington, Vallarta called on Foster at the United States Legation. The two ministers discussed the border problem, the Acapulco incidents, the status of the Mexican Legation in Washington, forced loans, and the filibustering rumored in the American press.

After the meeting, Foster reported, with gratification, that the Díaz government appeared "at last awakened to the pressing importance of giving attention to the border troubles." The report by Ord relative to the Piedras Negras incident was presented to Vallarta. And Foster, in response to a complaint that Lerdistes under Pedro Valdéz invaded Mexico from Texas, "presumed" the American authorities were pursuing the same policy observed towards Díaz in 1876. However, in his despatch to the State Department, Foster suggested the Texas authorities "be enjoined to observe strict impartiality

in the Mexican conflict and see that the neutrality laws are not violated."

According to Foster, Vallarta stated that Díaz would "dispatch to that [Texas] frontier a prominent and prudent General, with a sufficient Federal force to compel obedience and cooperation on the part of the local authorities" and cooperate with General Ord in "repressing outlawry."

The Díaz government, reportedly, "recognized the importance of the frontier question and was determined to do all within its power to bring about a satisfactory solution." Foster believed the influence of Matías Romero in the cabinet and the "irresponsible and exaggerated [press] reports" concerning the intentions of the Hayes administration were responsible for the accommodating assurances.<sup>1</sup>

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<sup>1</sup>Foster to Evarts, May 28 (personal) and May 28 (No. 538 with notations by Hunter and Evarts), 1877. Mexican Despatches. Hunter recommended informing Foster that the President would "execute the neutrality act with impartiality. The alleged hostile expedition of Valdez would have been prevented if there had been information in regard to it prior to its being carried into effect." Evarts approved Hunter's remarks on June 23.

Romero was the Secretary of the Treasury. Foster interpreted the appointment as an "indication that the country is inclined to acquiesce in the present order of things" since Romero was not a Tuxtepecano and supported the constitution order. However, the Deputies refused to seat Joaquín Ruíz, the elected representative from Pueblo. Ruíz agreed to adhere to the plan of Palo Blanco only when it was not in conflict with the Constitution. [Foster to Evarts, May 28, 1877 (No. 537). Mexican Instructions].

Foster reported that the spirit of cooperation and corrective action was evident in other matters. Cortina was arrested on May 26. Jiménez, who was responsible for the indignities perpetrated on consul Sutton and the seizure of Henry Kaston's property, was removed as governor of Guerrero. Two thousand federal troops were ordered to the area to suppress the most recent uprising by partisans of Alvarez.<sup>2</sup> The complaints of forced loans in Chihuahua were resolved. Foster reported the Díaz government in all forced loan cases promptly attempted to effect a satisfactory solution. He recommended an amendment to the 1831 treaty, at an "opportune time," specifically exempting United States' citizens from forced loans. Foster suggested, "it would be more likely to receive favorable action," if presented

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<sup>2</sup>Foster to Evarts, May 28, 1877 (Nos. 534 and 537). Mexican Despatches. On May 1, 1877, Rear Admiral Alexander Murray, commander of USS Pensacola arrived at Acapulco. He demanded and received, on May 10, a seven gun salute in front of the consulate. After the Mexican authorities paid official visits to the consulate, Murray, on May 12, departed. A second American vessel, the Lackawanna, arrived from Mazatlán on May 2 and remained after May 12. General Vicente Jiménez was in Mexico City by June 5, but no action was taken against him by the Díaz government. [Foster to Evarts, April 16, June 5 and June 14, 1877. Mexican Despatches. Enclosed are letters from Sutter to Skilton (May 13, 1877) and Foster (June 4, 1877).]

"concurrently with the adjustment of the question of recognition."<sup>3</sup>

Anticipating recognition, the Díaz government recalled Mariscal and, on May 26, appointed José María Mata minister plenipotentiary to the United States. Foster advised Mata to remain in Mexico until recognition instructions arrived. In the event the United States "deemed" it "prudent to continue a suspension of relations," Foster suggested Mata would avoid embarrassment. And the State Department would not be annoyed by having "two rival claimants" representing Mexico. A more important consideration by Foster, was that if instructed to extend recognition Mata's presence would expedite negotiations on previously discussed problems.<sup>4</sup>

When Foster's account of the May 28 meeting with Vallarta arrived on June 8, Seward termed it "satisfactory and gratifying."<sup>5</sup> Evarts immediately forwarded the despatch to McCrary. The pledge by Díaz resulted in a moderation of the June 1 order. On June 9, Sherman directed Sheridan to

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<sup>3</sup>Foster to Evarts, May 28, (536), 1877 (with Hunter's note). Mexican Despatches. Hunter noted that the forced loan exemption would receive considerations and the June 26, 1877, instructions from Seward so informed Foster.

<sup>4</sup>Foster to Evarts, May 28 (539), 1877. Mexican Despatches.

<sup>5</sup>Foster to Evarts, July 7, 1877. Mexican Despatches.

instruct Ord to respond "cordially" to the Mexican "offer of reciprocity." He was ordered to confer with the Mexican commander when he arrived on the frontier. Meanwhile, Ord was to avoid pursuit into Mexico "except in an aggravated case." Sheridan "immediately transmitted" the order to Ord, "enjoining a greater degree of caution."<sup>6</sup>

Two days before the modification of the orders to Ord, Mariscal presented a memorandum to Evarts protesting "all invasions of the Mexican territory under any circumstances whatsoever." He charged that citizens of both nations participated in the raids and experienced depredations. Mariscal was surprised that the Hayes administration would adopt such a "threatening" policy at a time when the depredations had "diminished." He expressed equal surprise that Ord was given discretionary authority. Mariscal "confidentially" declared that Mexico would never "consent or overlook" violations of its territory. In conclusion, he warned that if the order of June 1 were followed, Mexico would "adopt such measures as the dignity of the nation may demand."<sup>7</sup>

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<sup>6</sup>McCrary to Evarts, June 19, 1877; Sherman to Sheridan, June 9, 1877. House Doc. XIII, 28.

<sup>7</sup>Mariscal memorandum to Evarts, June 7, 1877. House Doc. XIII, 61.

The modification, following receipt of Foster's report, of the orders to Ord was strictly adhered to by the military forces along the border. Colonel Devin explained the instructions to Canales, governor of Tamaulipas, and requested cooperation. He informed the recalcitrant executive that Mexican authorities were accorded "the same liberty of action . . . under similar circumstance or provocation." Canales responded coolly to the explanation and stated that cooperation required the approval of the central government.<sup>8</sup>

The Lerdista activities provided the first test of the restraint ordered by Hayes. Supporters of the ousted president, commanded by Pedro Valdéz, alias Winkar, clashed with Porfirist troops near the mouth of Devil's river in Mexico. The Lerdists were routed and the survivors fled to Texas. On June 11, about noon, approximately four hundred Porfiristas attacked the Lerdist encampment near Painted Caves, Texas.

Captain J.M. Kelley of the Tenth United States cavalry learned of the crossing and proceeded to the camp with thirty-five men. Shafter readied troopers to pursue the Porfiristas and requested instructions. Ord, on June 12, ordered Shafter

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<sup>8</sup>Devin to Assistant Adjutant-General, June 25, 1877.  
House Doc. XIII, 163.

not to pursue. The War Department approved the decision by Ord. Sheridan believed Valdéz was under the command of Escobedo, but viewed the incident merely as another example of the "ordinary confusion" along the frontier.<sup>9</sup> Nine officers and forty-five privates, survivors of the encounter near Painted Caves, were interned at Fort Clark. In answer to a request for instructions, the President directed that "if necessary to preserve peace" along the border, Shafter should keep them under "restraint."<sup>10</sup>

The modification of the order of June did not arrive in Mexico City in time to moderate the reaction to the original directive and the United States decision to postpone recognition. Four nations had recognized the Díaz government before Foster received the May 16 instructions and a copy of the June 1 order. Germany was the first to act on June 1. Foster immediately telegraphed the information to Evarts and stated that Spain had "sent similar instructions." El Salvador and Guatemala extended recognition on June 7. Only Italy and the

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<sup>9</sup>J.M. Kelley to Acting Assistant Adjutant-General, June 11, 1877; Shafter to Ord, June 11, 1877; Ord to Shafter, June 12, 1877; Sheridan to E.D. Townsend, June 12 (telegram), 1877; Townsend to Sheridan, June 13 (telegram), 1877; H.T. Crosby, Chief clerk of War Department to Evarts, June 13, 1877. House Doc. XIII, 15-16.

<sup>10</sup>Townsend to Sheridan, June 15, 1877 (telegram). House Doc. XIII, 17.

United States, of those nations maintaining relations with Mexico, had not recognized Díaz by June 16.<sup>11</sup>

On June 18, Foster received the May 16 instructions and a copy of the order of June 1. He reported his intention to discuss, with Vallarta, "the various questions which stand in the way of the renewal of diplomatic relations." He would "vigorously" impress upon the Díaz government the importance of the border troubles. Removal of the hostile Indians and modification or repeal of the Zona Libre would be insisted upon as relative to pacification of the frontier. In addition, Foster informed Evarts, he would request; reparations for "the outrages and irregularities at Acapulco and Mazatlan," reimbursement of American citizens subjected to forced loans and other illegal exactions, assurance of future exemption from forced loans, recognition and payment of damages for losses suffered by citizens of the United States in the Porfirista revolutions of 1871-1872 and 1876-1877. Foster hoped to report "some satisfactory progress . . . by the next mail."<sup>12</sup>

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<sup>11</sup>Foster to Evarts, June 1 (telegram) and June 16, 1877. Mexican Despatches. Spain formally recognized the Díaz government on June 16.

<sup>12</sup>Foster to Evarts, June 18, 1877. Mexican Despatches.

However, the accommodating attitude of the Díaz government evident in the May 28 report by Foster, quickly changed following the June 1 order and recognition by other nations. Vallarta directed Mata to proceed to Washington with instructions to demand United States' recognition as a right by international law. Mata was empowered to discuss the border difficulties, but recognition would have to precede any agreement.<sup>13</sup>

Upon learning of the order to Mata, Foster provided him with a letter of introduction. On the day Foster met with Mata the May 16 instructions arrived. Although he considered Mata a close personal and family friend, Foster did not offer any advice or indicate the reception awaiting him in Washington. Foster informed Evarts that Mata had been instructed to proceed to Washington. And reiterated his suggestion, that recognition if extended in Mexico City would facilitate "previous or concurrent adjustment of important pending questions and claims."<sup>14</sup>

Foster failed to arrange a conference with Vallarta on June 18. The following afternoon, after Mata departed

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<sup>13</sup>Foster to Evarts, June 18, 1877. Mexican Despatches.

<sup>14</sup>Foster to Evarts, June 18, 1877 (personal). Mexican Despatches.

from Mexico, Foster visited the Mexican foreign office. He read the "great portion" of the May 16 instructions to Vallarta and the two ministers engaged in a "lengthy conversation." Vallarta, Foster reported, "insisted" that the Díaz government "possessed all the conditions of recognition required by international law and the practice of nations." The Díaz government, according to Vallarta, "manifested every possible disposition to comply with the obligations of treaty and comity towards the United States." He cited, as an example, the prompt payment of the claims' installment "under the most difficult circumstances." The Díaz government was prepared "to give all reasonable guarantees for the preservation of peace on the frontier and for the protection of American interests" but Vallarta claimed settlement, especially any treaty, would "more properly follow recognition."

Vallarta, reportedly, believed the Grant administration intended to recognize Díaz after his inauguration as constitutional President. Two European and two Central America nations had recognized the Porfirist government, leaving the United States in a "singular and independent position." Vallarta regretted the "apparent change" in United States recognition policy occasioned by the "unfriendly attitude" of the Hayes administration. He blamed the

"machination" of Lerdo, the annexationist counsel of Ord who sought "to precipitate a war," and the "personal and sinister" designs of individuals associated with the government of the United States.

Vallarta seemed more upset by the order of June 1 than by the postponement of recognition. He expressed an inability to understand why the Hayes administration "would manifest such a hostile and aggressive attitude." The order, the Mexican minister charged, was contrary to international law and "treated the Mexicans as savages, as Kaffirs of Africa." And the absence of diplomatic notice or ultimatum "sought to place Mexico beyond the pale of civilized nations." Vallarta declared an "absolute declaration of war would have been more considerate" of the national honor and sovereign rights of Mexico.

Foster challenged the charges by Vallarta and carefully defended the action of the United States. He stated each nation possessed the right to determine "the time and manner of accepting a new and revolutionary government."

In the case of the Díaz government, the United States desired to ascertain the ability and disposition to fulfill international obligations prior to recognition.

The common border and more numerous treaty obligations, Foster argued, placed the United States in a "very different" position than the European nations in its relations with Mexico. The "violent changes" of government in Mexico more directly affected the United States. Therefore, Foster stated, the United States was "interested in knowing the spirit which animates and the stability which is likely to attend any new government" in Mexico. The delay of recognition resulted from "neglect of plain duty" in Mexico. Foster denied that there had been a change of policy. He referred to the February 12 instructions which contained the "impression" that the United States prior to formal recognition of the Díaz government expected "efficient measures to end the border raids and repeal of the Zona Libre."

Foster rejected the charges against Ord and the alleged influence of Lerdist. Vallarta, when pressed, admitted that he based the remarks on "rumors." Foster informed Vallarta that: the order of June 1 was not a new policy; the depredations were not common to both sides; Mexico had taken no action to prevent the raids or punish the marauders; Mexico had "frequently acknowledged inability to discharge its duty" on the frontier because of internal problems; the governors of Chihuahua, Coahuila, and Tamaulipas openly

displayed hostility towards the United States; and the June 1 order was not contrary to treaties and international law.

Although it seemed that the Díaz government was "awakened to the importance and gravity" of the outstanding problems, Foster "feared" it was "not in the best temper for a calm consideration." Nevertheless, Foster expressed a readiness to discuss the existing differences. Vallarta, reportedly, was "quite desirous" of such a discussion. He requested a list of the problems with suggestions concerning solutions. Foster promised to submit a memorandum the following day.<sup>15</sup>

On July 21, Foster submitted the memorandum for Vallarta's "perusal." He carefully noted, on the memorandum, that it was presented "without instructions or specific authority." They agreed that it would not be recorded by the Mexican foreign office. The memorandum dealt with the border raids, the Zona Libre, forced loans, claims, the Mazatlán incidents, and the Acapulco difficulties.

Foster suggested sixteen points for consideration as part of a treaty relative to the border. He proposed that a belt or zone be created on both sides of the Rio Grande of a width to be agreed upon. Within the zone, pursuit, recovery

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<sup>15</sup>Foster to Evarts, June 20, 1877. Mexican Despatches.

of property, and capture of violators of crimes enumerated in the 1861 extradition treaty would be permissible. He proposed the creation of mixed military courts along the frontier to try offenders. Each nation would station, in the zone, a fixed number of troops under high ranking officers. The two commanders would cooperate to enforce the treaty and maintain constant telegraphic contact between their headquarters. The zone could be enlarged by written agreement of the two governments.

Two additional measures relative to the border were suggested by Foster; rectification of the boundary to conform to the main channel of the Rio Grande and repeal of the February 1, 1856, Mexican law prohibiting foreigners to own property within twenty miles of the border. The United States, in return, would eliminate any similar restrictions on foreigners acquiring property north of the border. As for the Zona Libre, Foster referred to the earlier protestations by the United States. He requested "assurance" that Díaz would recommend, and exert his influence to obtain, passage of a law repealing the Zona when the senate convened in September, 1877.

Foster urged the Díaz government to compel the return, to military authorities in Texas or to agents of the Indian

Bureau, of the "wild Indians," in Coahuila and Chihuahua. Specifically, Foster mentioned the Lipan, Kickapoo, Mescalero, and Seminole Indians, who had escaped from reservations in the United States. He informed Vallarta that the "wild Indians" were "the immediate cause of the recent order to General Ord."

Foster repeated the opinion that the Díaz government, in every case brought to its attention, disapproved of forced loans, and, after investigation, arranged "satisfaction or adjustment." However, he proposed repayment with interest, treaty guarantees, and recognition of the claims arising out of the La Noria revolt of 1871-72. As for the seizure of the schooners, Foster recommended that the Mexican government and the Mazatlán consul select arbitrators or appraisers to determine the damages. He suggested the same procedure for the claims of Henry Kaston. In his report to the State Department, Foster suggested reparation in the amount of ten thousand dollars for the Acapulco consul Sutter. However, in his memorandum to Vallarta no amount was mentioned.<sup>16</sup>

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<sup>16</sup>Foster to Evarts, June 23, 1877 (Nos. 555-559 with notes by Hunter). Mexican Despatches. Hunter "feared" opposition in Mexico was "too strong to hope" for repeal of the Zona Libre. He termed the proposal on forced loans "judicious" and possibly "useful" in obtaining repayment even if it did not prevent the exactions.

Hunter considered the Mixed Military courts desirable

Foster discussed the proposals with Vallarta at the Mexican foreign office on June 23. Vallarta "cooly informed" Foster that the cabinet considered the memorandum and decided to entrust the matter to Mata, since he possessed "full authority to open negotiations for the settlement of pending questions." Moreover, Vallarta remarked, discussions with Foster would only be of a "personal character" since he had no authority in the matters. But Vallarta agreed to discuss the proposals if the Hayes administration deemed it "proper to transfer its considerations" to Mexico City. Meanwhile, he would examine Departmental data relative to the proposals by Foster.

Foster "was a little chagrined" by the attitude of Vallarta, since he received the memorandum "with pleasure and appreciation" and fully understood in advance that no authority was possessed or claimed. Foster concluded Vallarta only desired to obtain the proposals for the benefit of Mata. This confirmed Foster's belief that the Díaz government hoped to establish relations through Mata which would be tantamount

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and probably the "most efficient for the object desired" but concluded the opposition in the United States, to trials outside civilian courts in time of peace, precluded the possibility of establishing the tribunals. Foster entertained "grave doubts as the practicability" of the proposal when he offered it.

to recognition. Once more, Foster sought authority to conduct the negotiations in Mexico. He requested detailed instructions and draft treaties before the Mexican congress convened in September.<sup>17</sup>

The excitement generated by the June 1 order to Ord and the Mexican answer on June 18, probably, accounted for Vallarta's coolness on June 23. The Díaz government had responded to the authorization for United States troops to pursue marauders into Mexico before it had been officially informed by Foster of the order and the postponement of recognition. On June 18, Pedro Ogazón, the minister of war, ordered General Gerónimo Treviño, commander of the Northern Division, to proceed to the Rio Grande frontier. Ogazón instructed Treviño to "exert himself" to establish order and preserve peace, but to repel with force any violations of Mexican territory.<sup>18</sup>

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<sup>17</sup>Foster to Evarts, June 30, 1877 (confidential), Mexican Despatches.

The investigation of the Mata mission by the Mexican Senate in November, 1877, indicated that Foster's suspicions were unwarranted. The instructions issued to Mata, on June 18, were not altered and were repeated on July 30. (Foster to Evarts, November 16, 1877, Mexican Despatches).

<sup>18</sup>Foster to Evarts, June 21, 1877. Mexican Despatches. Enclosed is a copy of the June 18 order to Treviño. House Doc. XIII contains a copy, on page 102.

Treviño met with Ord, on the day Ogazón issued the order, and promised cooperation in suppressing raids. Ord explained his orders and was satisfied that a "good understanding" existed. Treviño seemed to believe the military cooperation would produce completely beneficial results.<sup>19</sup> Seward, encouraged by Ord's report, hoped the joint efforts would put an end to the depredations.<sup>20</sup>

On June 23, Vallarta informed Foster of the orders to Treviño. He stated "no government could stand in Mexico for a moment against the popular indignation if it did not assume this attitude."<sup>21</sup> Foster had already reported that the feeling was "most intense" over the order to Ord. He attributed this to the release of the June 18 directive to Treviño.<sup>22</sup> "The universal impression created with the Mexican public" according to Foster, was that the June 1 order was without cause or provocation and resulted from the influence of filibusters, speculators, and the activities of ex-President

<sup>19</sup>Sheridan to Townsend, June 20, 1877 (telegram). House Doc. XIII, 159.

<sup>20</sup>Seward to McCrary, June 27, 1877. House Doc. XIII, 160.

<sup>21</sup>Foster to Evarts, June 30, 1877 (confidential). Mexican Despatches.

<sup>22</sup>Foster to Evarts, June 22, 1877. Mexican Despatches.

Lerdo.

More serious allegations included charges that the Hayes administration desired to "maintain party ascendancy" by forcing Mexico into a war, whereby the United States could annex northern Mexico and even "establish a protectorate over the whole country." When the charges and allegations appeared in the Diario Oficial, on June 21, Foster was "astounded."

The following day, when Foster called at the Mexican foreign office to discuss the memorandum, he protested and refuted the Diario article. He requested permission to answer the insulting "misinterpretation" of United States policy. Vallarta repeated the allegations but feigned ignorance of the article. He agreed to examine the answer submitted by Foster. The refutation cited and requests warnings by the United States from January 4, 1871, to April 23, 1877.

On June 26, Vallarta informed Foster that the cabinet preferred to avoid a discussion in the press. Therefore, it was decided that the Diario would publish an explanation of the June 21 article. Foster regarded the explanation, which appeared on June 25, as only "partially satisfactory." And Vallarta agreed to publish Foster's answer on June 27, but

only with an accompanying reply. However, on the scheduled day, Romero informed Foster that Díaz, "very much embarrassed" by the request, desired no further discussion of the matter.

The Mexican cabinet decided to release Foster's refutation without his signature or the reply by Vallarta. Foster acquiesced, but Romero again called at the American Legation. He suggested withdrawal of the request to answer the Diario article because, according to Foster, Díaz feared it "might seriously embarrass his government." Although he believed an answer would promote better understanding of United States policy, Foster "cheerfully" acceded to the request by Romero.<sup>23</sup>

The excitement following the Ogazón order to Treviño, started to subside when the Diario published the explanation of the June 21 article. The June 25 issue stated that it was only reporting rumors in the press of the United States and did not intend to infer that Plumb and Lerdo "had a

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<sup>23</sup>Foster to Evarts, June 28, 1877. Mexican Despatches.

Foster yielded to the request by Romero because he feared the Díaz government "under the slightest pretext" might make him the "scrapegoat" to satisfy the discontent created by the delay of recognition and the order of June 1. He thought it necessary to maintain amicable relations with the Díaz government in order to render any useful service. [Foster to Evarts, June 30, 1877 (confidential). Mexican Despatches].

decisive influence" in the determination of policy. Such a supposition, according to the Diario, was precluded by the traditional policy of the United States and the declaration by Hayes against filibustering.<sup>24</sup>

On June 30, Foster reported "the temper of the President and Cabinet . . . greatly moderated" by his explanations, Romero's "equanimity," and the Diario article on June 25. Although not willing to fully accept the wisdom of the order to General Ord, Foster advised against yielding "in the slightest degree until all pending questions are settled and full assurances and security given for the future."<sup>25</sup>

Vallarta called at the Legation on June 29 to request permission to appoint private agents to perform consular services in the United States.<sup>26</sup> Before departing, Vallarta, reportedly, assured Foster "of the hearty willingness of his government to take up the negotiations here, if Mata did not find it opportune to do so in Washington." This renewed Foster's belief that the Díaz government desired a quick

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<sup>24</sup>Diario Oficial, June 21 and June 25, 1877 (with translations). Foster to Evarts, June 28, 1877. Mexican Despatches.

<sup>25</sup>Foster to Evarts, June 30, 1877 (confidential). Mexican Despatches.

<sup>26</sup>Foster to Evarts, June 29, 1877 (No. 562). Mexican Despatches.

settlement of the existing differences. He thought the present Mexican government would more readily agree to settlements than any preceding or succeeding government. Therefore, Foster advised, by telegram, deferment of formal interviews with Mata, pending arrival of his "important despatches."<sup>27</sup>

The popular hostility towards the United States continued. Foster regarded this as indicative of "the volatile and childish character of this people."<sup>28</sup> However, he considered the situation sufficiently serious to recommend the presence of a war vessel in the Veracruz vicinity until the "intense excitement" subsided and the pending questions were adjusted. Besides having "a salutary effect," Foster thought, the war ship would facilitate telegraphic communication

<sup>27</sup>Foster to Evarts, June 30, 1877 (telegram). Mexican Despatches.

<sup>28</sup>Foster to Evarts, June 30 (confidential), and June 30 (telegram), 1877. Mexican Despatches.

Immediately following publication of the Ogazón order to Treviño, Foster claimed, the general impression was "that a conflict was inevitable." The Díaz government manifested the same attitude, according to Foster. Díaz, reportedly, informed the Spanish minister that "he regarded war as quite certain" and seemed "rather pleased." The German minister told Foster, Vallarta expected war and was "quite satisfied" the conflict would unite the nation behind Díaz.

via Galveston.<sup>29</sup>

The aroused nationalism of the Mexicans hampered the efforts of Ord and Treviño. Their first meeting, at Eagle Pass on June 18, was cordial and seemed to inaugurate a new era of cooperation. Ord promised to prevent, whenever possible, the organization of revolutionary expeditions in Texas. Treviño reciprocated with a pledge to remove the hostile Indians from the frontier. When Ord suggested concerted and reciprocal pursuit, Treviño stated the proposal required congressional action by both nations. However, he promised to authorize formation of a volunteer cavalry force to patrol the frontier and cooperate with American troops. The Mexican commander requested Ord to permit only "regulars under discreet officers" to cross into Mexico.<sup>30</sup>

After the conference with Ord, Treviño ordered Colonel Nuncio to "apprehend" and imprison the "lazy and treacherous" Lipan Indians, preparatory to their removal to

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<sup>29</sup>Foster to Evarts, June 29, 1877 (No. 561). Mexican Despatches.

After the steamer Plymouth withdrew on June 16, there was not an American war ship in Mexican Gulf waters.

<sup>30</sup>Treviño did not mention the request in his account of the meeting.

the interior.<sup>31</sup> Treviño returned to Monterrey, on June 29, after an inspection tour of the upper Rio Grande frontier from Laredo to Piedras Negras. He, reportedly, assured the United States consul at Monterrey that he was confident the "border difficulties would be completely arranged amicably at an early period." The Mexican commander "confidentially" informed the consul of "his determination" to arrange for removal of the Indians "from the frontier as soon as possible."<sup>32</sup>

However, on July 3, Ord received a letter from Treviño expressing regret that ill health prevented another conference. Meanwhile, he hoped American troops would prevent Lerdists from organizing expeditions in Texas and avoid pursuit into Mexico. As the Lipans conducted another raid after the June 18 meeting, Ord informed Treviño that "strict orders" were given to prevent armed revolutionists from violating United States neutrality, but troops were trailing the Lipans and would cross into Mexico if necessary.<sup>33</sup>

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<sup>31</sup>Foster to Evarts, July 13, 1877. Mexican Despatches. Enclosed is a translated copy of Treviño's official report, on June 30, to Ogazón.

<sup>32</sup>Weber to Hunter, June 30, 1877. House Doc. XIII, 71-72.

<sup>33</sup>Ord to Drum, July 6, 1877. House Doc. XIII, 168-169.

The report by Treviño of the June 18 meeting with Ord renewed the excitement in Mexico City. The Federalista and other newspapers accused Díaz of sanctioning violations of Mexican territory. The Diario rejected the accusations and reaffirmed the order of June 18 issued by Ogazón. However, relations between Foster and the Díaz government continued to improve.<sup>34</sup>

On July 7, 1877, Foster formally notified the Díaz government of the June 9 modification of the order to Ord.<sup>35</sup> Two days later, Díaz disavowed the Mexican crossing near Painted Caves. He promised "prompt investigation, reparation, and punishment" of the perpetrators.<sup>36</sup> Díaz expressed "gratification" that "discretionary authority" was withdrawn from Ord. But he hoped further modification would occur in order sufficiently to "preserve unharmed the autonomy of Mexico."<sup>37</sup>

Foster welcomed the return of cordiality, but informed Evarts that it was "imperative" that the Díaz government

<sup>34</sup>Foster to Evarts, July 13, 1877. Mexican Despatches.

<sup>35</sup>Foster to Evarts, July 7, 1877. Mexican Despatches.

<sup>36</sup>Foster to Evarts, July 9, 1877 (telegram). Mexican Despatches.

<sup>37</sup>Foster to Evarts, July 9, 1877. Mexican Despatches. Enclosed is a memorandum from Díaz to Foster.

"adopt much more effective measures than those proposed by General Treviño in order to discharge its international obligations on the Rio Grande." He heartily approved of the removal of the Indians, however, he believed the volunteer units authorized by Treviño would prove ineffectual because lack of discipline, "sympathy or complicity" with the marauders, and inadequate wages.<sup>38</sup>

Ord and Foster were not the only ones experiencing difficulty as a result of the order to Ord. On July 4, 1877, James G. Blaine expanded the controversy and further obscured the question of recognition. In a speech at Woodstock, Connecticut,<sup>39</sup> Blaine accused the Hayes administration of conspiring with the Democrats to annex all or part of Mexico.<sup>40</sup> In response, Hayes declared that the pursuit order was not part of any conspiracy but merely an attempt to dutifully protect American citizens. Evarts dismissed the allegations

<sup>38</sup>Foster to Evarts, July 13, 1877. Mexican Despatches.

<sup>39</sup>H.J. Eckenrode, Rutherford B. Hayes: Statesman of Reunion (New York: Dodd Mead and Co., 1930), on page 281 states Blaine "rose in the Senate, on July 4, 1877," to make the charges against Hayes. The Senate was not in session during July.

<sup>40</sup>Charles R. Williams, The Life of Rutherford Birchard Hayes (2 vols., Columbus, Ohio: Ohio State Archaeological and Historical Society, 1928), II, 210.

"with the laughing remark" that truthfulness at all times enabled him "to conceal his sentiments completely from people who were continually expecting diplomatic deception."

The "serene unconcern of hostile criticism" displayed by the Hayes administration probably resulted from the belief that Blaine and other critics of Mexican policy were motivated by political considerations and opposition to the Southern policy.<sup>41</sup> However, the statements by Blaine were welcomed in Mexico and worried supporters of the Hayes policy. Gustav Schleicher, on July 5, called on Evarts. They discussed the latest developments along the border. Schleicher seemed satisfied but thought Foster was "timid."<sup>42</sup>

Mata arrived in Washington three days before the speech by Blaine. On July 6, he met with Evarts and related the purpose of his mission. Encouraged by reports of favorable cabinet discussions, Mata again conferred with Evarts on July 12.<sup>43</sup> However, Foster's telegram of June 30, urging postponement of conversations with Mata, had arrived, and Evarts only promised to give consideration to the question of recognition. The detailed reports, on the

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<sup>41</sup>Ibid.

<sup>42</sup>Evarts Journal, 75. Evarts Papers.

<sup>43</sup>Cosío Villegas, U.S. versus Diaz, 72.

Mexican reaction to the order to Ord, the June 18 order by Ogazón, the conference at Eagle Pass, and the discussion of Foster's June 21 memorandum, arrived on July 16.<sup>44</sup>

On July 19, 1877, McCrary sent Evarts a translated copy of an unsigned letter, forwarded by Ord, relative to the Mexican political situation. The letter claimed Díaz would soon fall from power.<sup>45</sup> However, on July 21, Colonel Price arrested General Mariano Escobedo, Colonel Machorro,<sup>46</sup> and about thirteen other prominent Lerdist officers. President Hayes was informed of the arrests on July 24.<sup>47</sup> The following day, Ord concluded that the arrest of Escobedo together with the surrender of Valdéz would "check attempts at organizing revolutionary bands on this [Texas] side for some time."<sup>48</sup>

<sup>44</sup>Evarts to Foster, July 6, 1877; Seward to Foster, July 18, 1877. Mexican Despatches.

<sup>45</sup>McCrary to Evarts, July 19, 1877. House Doc. XIII, 166.

<sup>46</sup>Colonel Macharro commanded the Lerdist forces that occupied Paso del Norte for ten days before driven across the border on June 4, 1877. (S.C. Slade to Secretary of Treasury, June 5 and 9, 1877. House Doc. XIII, 167-168).

<sup>47</sup>Williams, ed., Diary of a President, 87.

<sup>48</sup>Ord to Adjutant-General, July 22, and July 25 (telegrams), 1877; McCrary to Evarts, July 24 and 28, 1877. House Doc. XIII, 188-189, 191.

The reports by Foster and the capture of the Lerdist military leaders occasioned a cabinet evaluation of Mexican policy on July 31. The question of recognition was considered but no decision agreed upon. Hayes noted that there was "no good reason why we should not recognize M. [sic] when we are ready." The only question was: "Shall we determine it now or let Mexico hang by the eyelids during August?"<sup>49</sup>

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<sup>49</sup>Williams, ed., Diary of a President, 92.

## CHAPTER VII

### DIALOGUE RESUMED

Three days following consideration of recognition by the Hayes cabinet, Evarts instructed Foster to continue the suspended relations. He was directed to continue "unofficial intercourse" with the Díaz government and "to report from time to time . . . precisely what definite terms the government of General Diaz would be willing, and would deem itself able to accede to." Foster was instructed to "enter fully into the discussion of" border raids, forced loans, the Sutter case, the Montana and Dreadnought claims, and "other topics referred to in [his] . . . previous correspondence."

The "decision upon the question" of recognition would be reserved awaiting Foster's reports. Hayes, Evarts reported, desired restoration of relations "as early as may be," but he deemed "it essential" that the re-establishment of relations should be "placed upon a just and amicable basis." Thereby, increasing the possibility of permanency, since an "interruption" of relations "would probably menace

the stability" of the Díaz government and "the peace of both."

If the Díaz government acceded "to terms" which would "secure the protection of the lives and property of American citizens, the safety of American ships, and the security of American territory from unlawful depredations," it would "give proof of its strength and stability," and, therefore, be legitimately entitled to recognition. However, if it admitted an inability or unwillingness "to conform to those international obligations which must exist between established governments of friendly states, it would thereby confess that it is not entitled to be regarded or recognized as a sovereign and independent power."

Evarts conceded that the Díaz government had "maintained itself at the national capital and in the adjourning provinces during a longer period than the average duration of government in Mexico." However, he suggested "that very fact . . . may indicate not its stability but the approach of the time of its overthrow."

Evarts deemed the memorandum submitted by Mata indicative of "a praiseworthy and proper desire." However, it dealt only with border depredations and offered inadequate "methods of prevention and punishment." Hayes, according to Evarts, believed "any stipulations" relative to the border

raids" must deal explicitly and dearly with the question of the use of military forces to pursue offenders and recapture stolen property even beyond the territorial limits of the United States, if no other way can be found of checking such depredations.

The comments by Evarts clarified the May 16 instructions but did not condition recognition upon treaty agreements. He sought to determine the attitude of the Díaz government, therefore, he believed more discussion "must necessarily precede any recognition." And he considered it expedient to conduct the conversations in Mexico City, since Mata would have to refer back to Vallarta for instructions. Mata was informed of the "manner of" the August 2 instructions to Foster. While awaiting Foster's reports, "discussion with" Mata would be "postponed."<sup>1</sup>

Before receiving the August 2 instructions, Foster resumed the dialogue with Vallarta. On July 20, Vallarta called at the Legation and presented a reply to the June 21 memorandum. He acknowledged the earlier requests by the United States for a reciprocal right of pursuit, but pointed out that Mexico always refused. Furthermore, Vallarta stated that pursuit was not the best solution. He pledged the Díaz

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<sup>1</sup>Evarts to Foster, August 2, 1877. Mexican Instructions.

government "at a proper and convenient time would propose the measures which in its judgement would serve to reestablish security and order in that region." He asserted that Mexico suffered from raids and alleged that the frontier problem was "exaggerated in Texas" by those seeking to "present claims" or persons desiring benefits from supply contracts from more troops. Refuting Foster's charge that "absolutely nothing has been done," Vallarta stated that Mexico always did all "within its power" and was never indifferent. After the revolution was consolidated, he claimed "relative security" existed on the frontier "such as had not been enjoyed for many years previously." Vallarta pointed out that while the United States was occupied with the Civil War, the Indian raids into Mexico increased.

Vallarta expressed the desire of the Díaz government "that cordial relations may soon be established . . . and that it will do everything that depends on it, with no other restriction except the saving of the interests and honor of the Republic, to renew and strengthen these relations." However, he considered the instructions to Mata adequate to provide "a satisfactory solution." Foster, on July 23, informed Vallarta that it was not the time to discuss the

existing differences.<sup>2</sup> Two days later, Vallarta, on instructions from Díaz, agreed that discussion prior to recognition was "undesirable," since Mexico desired to enter into treaty negotiations.<sup>3</sup>

While Foster waited for instructions and the Díaz government hoped for favorable reports from Mata,<sup>4</sup> the Lerdist activities on the frontier provided the opportunity for the Hayes administration to disprove the accusations that Lerdo and his supporters influenced United States policy. On July 20, 1877, Vallarta had called at the Legation to inform Foster of reported Lerdist movements in Texas. Foster reiterated earlier United States assurances and promised to inform his government.<sup>5</sup> On the same day, Foster

<sup>2</sup>Foster to Evarts, July 24, 1877. Mexican Despatches.

<sup>3</sup>Foster to Evarts, July 28, 1877. Mexican Despatches.

<sup>4</sup>On July 20, Vallarta reaffirmed the earlier instructions to Mata, to seek recognition as an "act of obedience to international law." Mata was directed to deny the United States possessed the right to judge the "legitimacy" of a Mexican government, and claim the Díaz government was entitled to representation since the United States was represented in Mexico.

Furthermore, Vallarta instructed Mata to correct the view that United States recognition was "a matter of life or death" for a Mexican government. Mata compiled on September 1, 1877, in an article, refuting a previous editorial, in the Washington National Republican. (Foster to Evarts, November 16, 1877. Mexican Despatches. Enclosed is a copy of the instructions to Mata).

<sup>5</sup>Foster to Evarts, July 21, 1877. Mexican Despatches.

telegraphed the information to Washington and reported "Winkar" was gathering a force at Eagle Pass for an invasion of Mexico. He recommended "urgent instructions" to Texas authorities to enforce the neutrality laws.<sup>6</sup> The arrest of Escobedo pleased the Diaz government, but Vallarta expressed concern over reports that the Lerdist General was free on bond. Foster explained the posting of bond did not entitle Escobedo to violate the neutrality laws with impunity. If Vallarta could supply information which would facilitate enforcement of neutrality laws, Foster promised to forward it immediately to Washington.<sup>7</sup>

When he learned of the preparations by Pedro Valdés, Shafter reported his readiness to act to prevent the invasion.<sup>8</sup> On August 5, Colonel Schofield reported the capture of forty-four of "Winkar's" men.<sup>9</sup> On August 16, Seward

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<sup>6</sup>Foster to Evarts, July 21 (telegram), 1877. Mexican Despatches.

<sup>7</sup>Foster to Evarts, July 27, 1877. Mexican Instructions. Escobedo and eight associates, after posting bond, left Rio Grande City on July 30 enroute to Laredo with Colonel Price in pursuit. (Price to Taylor, August 2, 1877. House Doc. XIII, 204).

<sup>8</sup>Shafter to Schofield, August 2, 1877. House Doc. XIII, 213.

<sup>9</sup>Schofield to Dodt, August 5, 1877. House Doc. XIII, 214.

expressed his "gratification" to the War Department for, judiciously and effectively, executing the neutrality laws and "maintaining the peace between the two countries."<sup>10</sup> Two days later, Seward despatched to Foster the official account of the arrest of Escobedo, his subsequent release, and the surrender of Valdes and many of his followers to General Naranjo.<sup>11</sup>

Two days before Seward expressed his gratification to the War Department, he instructed Foster to protest vigorously the latest border raid. On August 12, 1877, marauders raided the jail at Rio Grande City, the county seat of Starr County, Texas, freeing two accused murderers. During the raid the state attorney and three jailers were wounded. General Ord immediately informed Governor R.B. Hubbard of Texas, who telegraphed the information to President Hayes. He stated his intention to demand extradition of the criminals and requested "a simultaneous demand" from Hayes. Besides demanding extradition of the two prisoners, Hubbard wanted punishment for the raiders and reparations.<sup>12</sup>

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<sup>10</sup>Seward to McCrary, August 16, 1877. House Doc. XIII, 201-202.

<sup>11</sup>Seward to Foster, August 16, 1877. Mexican Instructions. Naranjo pardoned Valdés and his followers.

<sup>12</sup>Hubbard to Hayes, August 13, 1877 (telegram). House Doc. XIII, 43.

The telegram from Hubbard arrived on August 14 and the following day Seward instructed Foster, by telegram, to "urge extradition and demand reparation."<sup>13</sup>

At the same time, more detailed instructions from Seward were despatched to Foster. He advised Foster to prepare "to make similar application" if the Díaz government did not honor the demand by the Texas officials. Meanwhile, he was instructed to demand Mexican cooperation in arresting and punishing the perpetrators. Seward did not view the incident as a "merely ordinary crime" or a raid for "theft and plunder." He characterized the event as a "national injury" and a "deliberate hostile" invasion of American territory in the same category as the June 11 crossing near Painted Caves. If the Díaz government acquiesced in the "outrage" or shielded the offenders, Seward could only suppose that Mexico was "no longer disposed to maintain the attitude of a friendly power at peace with the United States."<sup>14</sup>

Following the raid, Ord telegraphed Treviño that he regretted the "unfortunate disturbance of the better feeling

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<sup>13</sup>Seward to Foster, August 15, 1877 (telegram). Mexican Instructions.

<sup>14</sup>Seward to Foster, August 15, 1877. Mexican Instructions.

on the border" they were "successfully introducing." Ord hoped satisfactory action would be taken. Two days later, Canales informed Ord that Treviño could not protect foreign towns and therefore considered the matter outside his jurisdiction and "no just cause of complaint against" Mexico. He doubted that Mexicans were responsible, "there being plenty to do it" on the Texas side. However, he pledged "prompt measures" to apprehend the marauders. Displaying a more conciliatory attitude, General Rafael Benavides expressed regret and suggested the possibility that agents of Escobedo planned the raid to "create difficulties between the authorities on both frontiers." He posted a two thousand dollar reward for the capture of the escapees and pledged every effort to apprehend them.<sup>15</sup>

On August 23, the State of Texas formally demanded rendition of the escapees and raiders. Canales refused. General Benavides supported extradition and Díaz ordered Canales to comply with the Texas request. On September 11, 1877, one escapee and two raiders were delivered, but Canales

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<sup>15</sup>Ord to Trevino, August 13, 1877; Canales to Ord, August 15, 1877; Benavides to Ord, August 14, 1877; Ord to McCrary, August 16 (telegram), 1877. House Doc. XIII, 46, 108-109.

Seward was "gratified" by Benavides' response. [Seward to Foster, August 30, 1877. Mexican Instructions].

refused rendition of the others.

Hubbard informed Hayes that further demands would be pointless. Although he saw little prospect of "peace and security" along the border, Hubbard rejected war as a recourse. He insisted that Texas desired "no war of conquest." If Mexico continued to fail to observe its treaty obligations, Hubbard urged the Hayes administration to "demand redress and reparation for the property and the blood of our [Texas] people sacrificed at their hands."<sup>16</sup>

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<sup>16</sup>Hubbard to Evarts, October 10, 1877. House Doc. XIII, 77-80.

Ord informed Hubbard that his orders forbade pursuit into Mexico when Mexican troops were present and Evarts, in acknowledging the letter, on October 22, offered no solace to Hubbard. (Ord to Hubbard, August 24, 1877; Evarts to Hubbard, October 22, 1877. House Doc. XIII, 91).

However, on January 8, 1878, Hubbard extended the "earnest thanks" of Texas for the efforts of the Hayes administration to secure extradition of the marauders. He characterized the United States border policy as a defensive necessity. Conceding that Díaz "intends to enforce obedience to international laws and treaties from his border people," the Texas governor, did not believe the "past or present" provided any hope that he would succeed. According to Hubbard, Texas opposed war and desired only protection and "just reparation for the past." However, if Mexico refused to "account for the criminal acts of her individual citizens," the central government would be responsible, and Hubbard stated: "resort to the last arbiter of nations would be unfortunately the only alternative." While desiring peace, Hubbard declared it would have to be an "honorable peace . . . based upon a mutual observance of comity and national treaties for the future and an equitable adjustment of mutual claims of reparation for the past." (Hubbard to Hayes, January 8, 1878. Hayes Papers. The lengthy letter was released to the public as a pamphlet).

On August 22, Foster received the telegraphic instructions from Seward and promptly called at the Mexican foreign office. Vallarta denied that any invasion occurred. He, reportedly, understood the offenders were Americans of Mexican origin living in Texas who fled to Mexico after the jail break.<sup>17</sup> When the detailed instructions from Seward arrived, Foster, on August 30, met with Vallarta to discuss the Rio Grande City raid and the June 11 crossing. Vallarta informed Foster that the officer commanding the force that crossed on June 11 was arrested and on trial in Monterrey.<sup>18</sup> On September 11, 1877, Vallarta informed Foster of the arrest and delivery of three offenders. He pointed out that the Díaz government was not obligated by treaty to deliver the offenders. The order by Díaz was issued, according to Vallarta, because of the "exceptional circumstances of the case" and to demonstrate "incontrovertible proof of the firm and sincere wish" to resolve the border difficulties.<sup>19</sup>

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<sup>17</sup>Foster to Evarts, August 23, 1877. Mexican Despatches.

<sup>18</sup>Foster to Evarts, August 30, 1877. Mexican Despatches.

<sup>19</sup>Foster to Evarts, September 11, 1877. Mexican Despatches.

Mata, on October 6, 1877, met with Evarts. He presented a letter from Vallarta stating Díaz had "already given positive orders that all the offenders . . . shall be given up." [Vallarta to Mata, September 10, 1877 (translation). House Doc. XIII., 68].

Amidst the controversy occasioned by the Rio Grande City raid, Foster, on August 19, 1877, received the August 2 instructions authorizing further negotiations in Mexico City. He, unofficially, expressed appreciation for the confidence shown by Evarts in referring the considerations back to Mexico for discussion. Although the situation had changed, Foster reported he would immediately confer with Vallarta and if the minister were not responsive, he would contact Díaz, who was "less of a politician" and "less influenced by popular clamor."

Foster reported that the "suspicion," that the Hayes administration was using the border question "as a pretext to force Mexico into a war for annexation," developed into a "firm conviction" during July. Therefore, the earlier disposition by Vallarta to agree to a reciprocal crossing by regular troops was no longer evident. At that time, Foster was "inclined to regard" such an accord "as a sine qua non" of any adjustment of the frontier difficulties. However, the present situation seemed to dictate "much easier terms," according to Foster. He believed the railroad strikes in the United States further encouraged the Díaz government to resist. Foster opined that if a settlement were realized and good feeling restored, then "extensive commercial relations"

with Mexico were entirely practicable."<sup>20</sup>

The persistent opposition of Alvarez in Guerrero was resolved when the General and Díaz agreed on a temporary military governor to facilitate the senatorial elections. Foster reported "general peace," except for the border difficulties, prevailed following the settlement in Guerrero. The election of Senators was uneventful.<sup>21</sup> The "pure Tuxtepecanos," who opposed restoration of the Senate, and the anti-Tuxtepecanos abstained. Following the elections, Italy extended recognition leaving the United States as "the only power represented in Mexico which has not acted upon the question."<sup>22</sup>

Before entering into conversations with Vallarta on August 22, Foster met with Díaz. He presented the August 2 instructions to the Mexican executive and announced his intention to confer with Vallarta. Díaz, although considering the instructions to Mata as adequate, reportedly, thought a reciprocal crossing agreement was possible. He offered no

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<sup>20</sup>Foster to Evarts, August 19, 1877 (unofficial). Mexican Instructions.

<sup>21</sup>Apparently the State Department assigned considerably more importance to the senatorial elections than did Foster. See Seward, Reminiscences, 437.

<sup>22</sup>Foster to Evarts, July 30, 1877. Mexican Despatches.

objections to pursuit in unpopulated areas if Mexican troops were not present. However, he insisted upon withdrawal of the order to Ord and reparations for the April crossing by Shafter.

Díaz, reportedly, assured Foster, that he would exert every effort "short of national dishonor to render the negotiations successful." However, he was unable "to act with the freedom he desired" because of his political opponents. As Foster was leaving, Díaz "expressed the hope" that the discussions would prove satisfactory and "result in the early establishment of diplomatic relations."

On August 22, Foster and Vallarta began their first conference. Vallarta's position on border crossings and forced loans was the same as the posture assumed by Díaz. Two days later a second conference was held. Again, Vallarta stated that the instructions to Mata, with the modifications suggested by Díaz, were sufficient. Foster replied that the United States could not disavow the Ord order or the crossing by Shafter at Piedras Negras, but would possibly agree to withdraw the order concurrently with a reciprocal crossing accord. Foster accepted the two restrictions, where local authorities in large cities or Mexican troops were present, on crossings proposed by Vallarta. However, he insisted upon

removal of the Indians and pursuit on the lower Rio Grande.

As for recognition, Foster informed Vallarta that the Hayes administration "desired . . . to be satisfied of the disposition and ability of Mexico to discharge its duty towards the American government and its citizens," then "recognition would follow." According to Foster, the "informal propositions" offered by Díaz through Vallarta would "in great measure" determine the degree of satisfaction.

During the third conference, on the morning of August 25, Vallarta modified his position. He proposed empowering the chief executives of each nation with authority mutually to consent to reciprocal crossings if the proposals by Mata proved inadequate. They would agree as to the time and limits. The troops would possess only police powers and not be permitted to penetrate beyond a set number of miles. This, Vallarta asserted, would prove more acceptable to the Mexican people. Foster stated that the proposal just postponed the issued.

The fourth conference, on August 27, dealt with forced loans. Vallarta stated that Díaz had rejected the proposal of treaty exemption and had no counter proposal. He "absolutely declined" to agree to treaty exemption of Americans from forced loans. The following day Foster suggested a

convention for adjustment of all claims since 1868. Vallarta agreed to present the suggestion to Díaz and the cabinet. As for the other issues, Vallarta and Romero agreed that the Zona Libre contributed to the border difficulties and was "unconstitutional" but did not believe it opportune to seek repeal. Vallarta would only agree to re-examine the cases of the Montana, Dreadnaught, and Sutter. Foster thought he "plainly" indicated "that he will deny responsibility in all these."

On August 30, Foster conferred with Vallarta for the sixth time. Foster informed Vallarta that he could only adopt one course "which was to report the failure of our negotiations as far as an early adjustment was concerned, and await further instructions." Vallarta was more optimistic. He thought they were "so nearly agreed" on a remedial measure for the frontier that "an adjustment by treaty was possible." And he claimed this was "the only question which ought to be considered as a condition precedent to recognition," and a treaty could only follow recognition. Vallarta, reportedly, stated temporary postponement of the other matters would not create any "great injury or inconvenience." Foster replied that a border treaty would "necessitate recognition and the Hayes administration desired prior assurance as to the

"disposition and ability of the Diaz government" on all issues, since "however important the frontier treaty matter was, the question of recognition would not be determined . . . upon that matter alone."

Vallarta promised to submit an acceptable proposal, within fifteen days, on removal of the Indians from Coahuila and Chihuahua. However, on September 10, he presented another proposal on border crossings. It proposed crossing in pursuit of savages or cattle thieves if they were within sight and if no Mexican police or troops were available. Penetration into Mexico was limited to twenty leagues, except in the desert areas. The pursuing troops could not exercise jurisdictional authority and were subject to punishment for abuses. Foster rejected the proposal because it was too limited.<sup>23</sup>

While Foster believed the Díaz government would agree to an agreement on crossing, if it would bring recognition,<sup>24</sup> he considered the overall results of the conference unsatisfactory. He assumed Evarts would concur and concluded "that

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<sup>23</sup>Foster to Evarts, August 31 (unofficial and confidential); September 4 (with Foster's notes on the conferences); and September 11, 1877. Mexican Despatches.

<sup>24</sup>Foster to Evarts, September 4, 1877 (with Hunter's note). Mexican Despatches. Hunter suggested the possibility that the Mexican "aversion" to crossing on lower Rio Grande could be overcome by a United States pledge to provide compensation for any dangers. Hunter's suggestion was not forwarded to Foster.

the government of General Diaz must not be recognized until it recedes from the positions taken." Therefore, Foster requested permission to come to Washington for a conference. Information could be shared and by obtaining instructions Foster would be relieved of "much embarrassment as to the course to pursue . . . in the future." A further advantage, suggested by Foster, was that such a trip might aid the President in writing that part of his message to Congress relative to Mexico.<sup>25</sup>

The discussions with Vallarta and reports from friends of the Mexican foreign minister, caused Foster to believe that "stronger pressure must be applied before this [Díaz] government will yield." Conversations with the German minister convinced Foster that the Díaz government was "exceedingly anxious to create the impression . . . that Mr. Mata has established some kind of quasi-official relations." Vallarta, reportedly, informed the German minister that the August conferences between Seward and Mata caused him to expect an "early settlement and recognition."<sup>26</sup>

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<sup>25</sup>Foster to Evarts, September 10, (personal); and August 31 (unofficial and confidential), 1877. Mexican Despatches.

<sup>26</sup>Foster to Evarts, September 11, 1877 (confidential). Mexican Despatches.

The principal obstacle to satisfactory assurances or action by the Díaz government, according to Foster, was nationalism. Vallarta, reportedly, told the German minister that he was willing to accede to reciprocal crossing but feared the political repercussions. Foster claimed a close friend of Vallarta reported a similar willingness but Vallarta believed he would be "ground to powder by public sentiment." Foster credited these accounts and stated "popular prejudice against the Yankees" not "duty and justice" influenced the action of the Díaz government.<sup>27</sup> As an example of the difficulties faced by the Porfiristas, Foster cited the press attacks. The leading Lerdist journal, the Federalista, maintained constant pressure on the Díaz government. On September 13, the Lerdist organ charged the government had dishonored, disgraced, and humiliated Mexico because of the desire for recognition. The article asserted that Foster and Vallarta were negotiating a treaty authorizing reciprocal crossing and prohibiting forced loans. The Federalista stated that recognition of the "false government" would occur after the Senate ratified the treaty, but the people would "know that it is obtained at a vile price, with

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<sup>27</sup>Ibid.

blushes and humiliation."<sup>28</sup>

On September 15, Foster visited the Mexican foreign office to discuss the forced loan and border questions. Vallarta reported that his conversations indicated the Mexican Senate would not ratify the propositions. Foster regarded it as "some what significant" that Vallarta "did not refer to the disapproval or opposition of the Executive." And Vallarta promised to continue his efforts to ascertain the views of the Senate. He reported Díaz was "anxious to treat with the United States on the most friendly and reciprocal terms and to do everything possible to reach an amicable and satisfactory settlement of pending questions." However, the Mexican president considered it "useless and harmful" to conclude treaties which the Senate would certainly reject. This could only "injure the [Díaz] administration and prejudice the relations" between the two nations.<sup>29</sup>

The precarious position of Díaz, according to Foster, dictated reserving the "best troops and most experienced and

<sup>28</sup>Foster to Evarts, September 14, 1877. Mexican Despatches. Enclosed are clippings, with translations, from the Federalista (September 13 and the Diario Oficial (September 13).

The Diario article refuted the charges but did not deny that negotiations were underway.

<sup>29</sup>Foster to Evarts, September 15, 1877. Mexican Despatches.

reliable officers to maintain the supremacy of the government." Foster believed as long as the "internal peace" was not "completely assured" there was little hope that the Díaz government would honor its pledge to despatch a significant number of federal troops to the border. The reports that General Manuel Gonzáles and fifteen thousand federals were ordered to the border was dismissed by Foster as a rumor.<sup>30</sup>

During the week of conversations in August and again on September 3, Romero informed Foster that the Díaz government was prepared to pay eighty thousand dollars of the second claims' payment before January 31, 1878. Foster replied that early payment would encounter "no difficulty" if recognition were extended. Otherwise, he considered it best to adhere to the prescribed date. Therefore, Foster, countering the apparent maneuver to induce recognition, stated that the proper course was to await the results of the

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<sup>30</sup>Foster to Evarts, October 6, 1877. Mexican Despatches. Ord had first reported the information of the alleged mission by Gonzáles during the Rio Grande City controversy. He reported the troops were disembarking at Veracruz under orders to proceed to the frontier to enforce the extradition treaty. (Sheridan to Townsend, September 8, 1877. House Doc. XIII, 229-230.

current negotiations.<sup>31</sup>

Foster's chagrin with the results of the conference was not shared by the State Department. Although Hayes considered the Mexican situation perplexing,<sup>32</sup> Evarts, on October 6, expressed gratification that Foster, in the presentation of his views regarding the results of the discussions, "fully comprehended and followed not merely the letter, but the spirit of the instructions."<sup>33</sup> Unofficially, Evarts deemed it "inexpedient" that Foster come to Washington for a conference. He reassured the minister that his action seemed "in entire conformity" with the instructions. And Evarts had no doubt that his conduct would "continue to be discreet, judicious, and energetic."<sup>34</sup>

Evarts did not mention recognition or indicate the course of action to be followed by Foster. The State Department, apparently satisfied as to the attitude of the Díaz

<sup>31</sup>Foster to Evarts, September 3, 1877 (with Hunter's note). Mexican Despatches. Hunter noted that: "After an examination [of the despatch] it appears to me that the offer was a shallow trick to commit us to an acknowledgement of Diaz. Mr. Foster seems to have seen into it and to have made a proper disposition of the matter."

<sup>32</sup>Williams, ed., Diary of a President, 97.

<sup>33</sup>Evarts to Foster, October 6, 1877. Mexican Instructions.

<sup>34</sup>Evarts to Foster, October 5, 1877 (unofficial). Mexican Instructions and Hayes Papers.

government, did not issue any directive instructions to Foster until December 31, 1877.<sup>35</sup>

While awaiting instructions, Foster maintained unofficial contact with the Díaz government and continued to report the developments in Mexico. On September 19, the Mexican Congress, as a bicameral body, convened and Díaz addressed the opening session. He expressed satisfaction that "full constitutional order" was restored, thereby placing the "seal of legality upon the acts of the revolution." Referring to relations with the United States, Díaz acknowledged the existence of "certain difficulties." But he "presumed that the official relation between the two governments may soon be reestablished and that the pending difficulties will be satisfactorily adjusted." Especially, since he and doubtlessly the Congress also, was resolved "to act with full justice" and a "friendly spirit." However, he pledged to preserve the "dignity" and "rights" of Mexico.<sup>36</sup>

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<sup>35</sup>From October 6 until December 31, 1877, the State Department issued seventeen despatches to Foster. The despatches did not mention recognition or specifically direct Foster to renew negotiations with the Díaz government. [Evarts and Seward to Foster, October 24 to December 14, 1877 (Nos. 420-436). Mexican Instructions].

<sup>36</sup>Foster to Evarts, September 28, 1877. Mexican Despatches. Enclosed is a translation of the speech by Díaz in a clipping from the September 29 issue of the Two Republics.

On September 29, 1877, another crossing by United States troops occurred. Lieutenant John Bullis, in command of Seminole scouts, and Lieutenant-Colonel Shafter led an attack on an encampment of Lipan Indians above Piedras Negras. During the operation, a Mexican force was encountered and a clash seemed probable. However, no shots were fired and the American troops proceeded with the attack on the Lipans. The report by General Naranjo, the commander of Mexican troops on the frontier, and the reply by Ogazón were published in the Diario on October 13.<sup>37</sup> The Díaz government reaffirmed the June 18 orders and instructed Mata to protest the crossing.<sup>38</sup>

The publication occasioned new charges by the Mexican press against the United States and Díaz. Foster reported that the action of Bullis and Shafter "created a more bitter feeling in Mexico than anything which has occurred since the publication of the instructions to General Ord." The Mexican press claimed the attack on the Lipans violated the June 1 order because "hot pursuit" was not involved. The remarks by Shafter, that he did not order an attack upon the Mexican

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<sup>37</sup>Foster to Evarts, October 16, 1877. Mexican Instructions.

<sup>38</sup>Foster to Evarts, October 27, 1877. Mexican Despatches.

forces because they made no hostile movement and were "insignificant in numbers," seemed to arouse the Mexicans as much as the violation of territory.<sup>39</sup> In a confidential despatch to Evarts, Foster questioned whether the criticisms of Shafter were not "in some respects well taken?"<sup>40</sup>

The Díaz government was already under fire by Lerdistes and the frontier press for ordering extradition of the Rio Grande City raiders. The Federalista, on October 12, charged that the delivery of the Mexican citizens was worse than the past sale of Yucatan Indians into slavery. The Díaz government claimed the action was necessitated by the extraordinary condition along the frontier.<sup>41</sup> However, the court in Matamoras, defying the orders of Diaz, released the three prisoners on bond because they were Mexican citizens and, as such, not subject to extradition.<sup>42</sup>

On October 30, 1877, Foster received the October 6 instructions from Evarts. He expressed "profound" appreciation for the approval of his action and announced his intention

<sup>39</sup>Foster to Evarts, October 31, 1877. Mexican Despatches.

<sup>40</sup>Foster to Evarts, October 31, 1877 (confidential). Mexican Despatches.

<sup>41</sup>Foster to Evarts, October 12, 1877. Mexican Despatches.

<sup>42</sup>Foster to Evarts, October 27, 1877. Mexican Despatches.

to meet with Vallarta to provide the Mexican minister "an opportunity to recede from or modify" the Mexican position.<sup>43</sup> Unofficially, Foster repeated his feeling of gratification for the "official and complete approval and . . . commendation" of his action. He agreed with the decision that he should remain in Mexico. The day he received the instructions from Evarts, Foster engaged in a "long and very frank" discussion with ~~Maurel~~ M. Zamacona.<sup>44</sup> He hoped Zamacona would persuade Díaz and Vallarta to alter their views.<sup>45</sup>

Foster called at the Mexican foreign office, on October 31, to inform Vallarta of the October 6 instructions from Evarts. Vallarta refused to change his position, but agreed to confer with Díaz. Once more, Foster met with Zamacona to enlist his support. Zamacona, reportedly, agreed and suggested a law by Congress implementing a recent Supreme

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<sup>43</sup>Foster to Evarts, October 30, 1877. Mexican Despatches.

<sup>44</sup>Zamacona, who served as minister of foreign affairs under Juárez, was appointed to replace Mata as the representative of the Díaz government in Washington. Mata, with the approach of winter, had requested replacement because of a pulmonary ailment. [Foster to Evarts, October 30, 1877].

<sup>45</sup>Foster to Evarts, October 30, 1877 (unofficial). Mexican Despatches.

Court decision against forced loans.<sup>46</sup> However, on November 3, Vallarta informed Foster that Díaz rejected the proposal by Zamacona. Vallarta, feigning wounded nationalism, protested the September 29 crossing by Shafter and refused to discuss any of the issues. Before departing, Foster stated that, although he greatly desired restoration of diplomatic relations, it seemed there was "no hope of the recognition of General Diaz, so long as he refused to do justice to American citizens and discharge the international obligation of Mexico on the Rio Grande frontier."<sup>47</sup>

One week later, Foster reported that the bitterness against the United States was increasing. The "general belief," according to Foster, was that the Hayes administration was attempting to provoke war, and therefore war was "almost inevitable." The Mexican Senate, on November 2, requested and subsequently received all information on

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<sup>46</sup>The Mexican Supreme Court in July, 1877, ruled against unconstitutional delegations of power involving "Extraordinary Faculties." (Foster to Evarts, July 18, 1877. Mexican Despatches).

Vallarta termed the decision "utopian." (Foster to Evarts, September 4, 1877. Mexican Despatches).

<sup>47</sup>Foster to Evarts, November 8, 1877 (with Hunter's note). Mexican Despatches. After examining Foster's report, Hunter concluded that it appeared there was "little likelihood, under the circumstances as herein set forth, of an accommodation with Mexico on the terms proposed."

Mexican-United States relations. Zamacona then informed Foster that the Senate "opposed any conditions precedent to recognition." Foster, referring to the May 16 and August 2 instructions, replied that assurances, not conditions were requested. However, Zamacona stated that he and the cabinet considered the effect virtually the same. In reply, Foster stated that there seemed no chance of recognition.<sup>48</sup>

Of additional concern to Foster, was "reliable" information that Díaz ordered "at least" three thousand troops to the border. Treviño had been in the capital during the past two weeks conferring with Díaz, but Foster "was not prepared for so extraordinary a reinforcement." He was informed that Díaz stated that the increase was ordered to "put a stop to all crossing." Foster understood that the remark referred to United States troop crossings as well as raids.<sup>49</sup>

The nationalism aroused by: the continued delay of recognition; delivery of the Rio Grande City offenders; the September crossing by Shafter and Bullis; and the investigation

<sup>48</sup>Foster to Evarts, November 12, 1877. Mexican Despatches.

<sup>49</sup>Foster to Evarts, November 10 (confidential), 1877 (with Hunter's note). Mexican Despatches. Hunter believed the action by Díaz "may require similar precautions on this [Texas] side."

of Mexican-United States relations by the Mexican Senate, accounted in large measure for the inflexible attitude towards Foster. An additional reason for the determined stance assumed by the Díaz government, according to Foster, was the action of the Congress of the United States.<sup>50</sup>

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<sup>50</sup>Foster to Evarts, November 8, 1877. Mexican Despatches.

## CHAPTER VIII

### CONGRESSIONAL INVOLVEMENT AND MORE DIALOGUE

In October, 1877, President Hayes called a special session of the Forty-fifth Congress<sup>1</sup> to appropriate funds for the army. He did not mention Mexico,<sup>2</sup> but once convened, Congress did not confine its proceedings to consideration of army appropriations, and Mexican affairs were not ignored. On October 29, Representative Randall L. Gibson from Louisiana introduced a joint resolution authorizing appointment of a

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<sup>1</sup>The Forty-fourth Congress adjourned early in March, 1877, without making any appropriation because of a clause in the appropriation bill prohibiting the President from using the army to support state governments not recognized by Congress. A penalty of five to ten years was provided for violations. The House insisted upon retention of the clause but the Senate was equally obstinate. (Woodward, Reunion and Reaction, 219-220).

<sup>2</sup>Richardson, Messages and Papers, VII, 452.

In his message to the special session, Hayes recommended "speedy action" to provide funds for the fiscal year beginning on June 30, 1877, for the army at "its present maximum numerical' strength of 25,000 men." He urged the legislators to postpone discussion of "all questions relating to an increase or decrease of the number of enlisted men."

commission "to ascertain on what terms a mutually beneficial treaty of commerce with Mexico" could be negotiated. The resolution was referred to the Committee on Commerce. Gibson, an avid supporter of commercial expansion, representing the New Orleans district, introduced similar resolutions for Central America, Brazil, and Canada.<sup>3</sup>

Representative Gustave Schleicher, of Cuero, Texas, the leading congressional advocate of a vigorous border policy, on November 1, 1877, introduced a resolution requesting the President to forward all information, "compatible with the public interest," relative to the Mexican border situation.<sup>4</sup> The resolution passed and the President on November 12 complied with the request.<sup>5</sup>

When the Committee of a Whole began consideration of the army appropriations bill on November 8, Schleicher immediately introduced the border question into the debate. He argued that more troops were required to execute effectively

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<sup>3</sup>U.S. Congress, Congressional Record, 45th Cong., Special Session of Senate and 1st Session, 1877, VI, 178-179, 246, 362-363. S.B. Maxey sponsored the resolution in the Senate on November 6. It was referred to the Committee on Foreign Relations and later transferred to the Committee on Finance.

<sup>4</sup>Ibid., 211.

<sup>5</sup>Richardson, Messages and Papers, VII, 455.

the order of June 1 and, thereby, protect the Texas frontier. According to Schleicher, the military commanders in Texas were unable to pursue marauders into Mexico because they were outnumbered four or five to one along the border. Declaring that the "Mexican robber neighbors" understood only "firmness and power," Schleicher urged appropriations for the authorized maximum of twenty-five thousand troops.

Omar Conger of Michigan, William Calkins of Indiana, and Charles Foster of Ohio cited the Mexican raids in their arguments for an army of twenty-five thousand or larger. However, Calkins, the only one suggesting an increase in the army, considered the railroad riots more important than the Mexican situation. Only Conger mentioned the possibility of war with Mexico and, then, only in a speculative reference. Foster, in his comments, listed the border situation in a general statement on the need for military appropriations.<sup>6</sup> He denied that the Republicans desired an increase beyond the authorized maximum of twenty-five thousand.<sup>7</sup>

It was the Texas delegation, headed by Schleicher, that continually interposed the border depredations into the

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<sup>6</sup>Ibid., 285-296.

<sup>7</sup>Cong. Record, 45th, 1st, VI, 306.

debate. James W. Throckmorton,<sup>8</sup> of McKinney, supported an increase in the army. Labeling the raids outrageous, and disgraceful, he stated that the bones of victims were "bleaching in the sun and crying aloud to Heaven that these savage warriors and Mexican robbers should be driven from our borders." R.Q. Mills of Corsicana, considered the order of June 1, the "first sensible, patriotic step" taken against the marauders "for a quarter of a century." David B. Culberson, of Jefferson, claimed the Texas delegation was not supporting an increase in the army over the number authorized in 1876. D.C. Giddings, of Brenham, reiterated the statement by Culberson and argued that Texas only desired sufficient troops to protect its border. According to Giddings, Ord stated that he lacked sufficient troops to execute the order of June 1. John H. Reagan, of Palestine, opposed any increase in the army. He thought a "proper distribution" of the present forces would remedy the situation. The solution proposed by Schleicher was to remove the clauses prohibiting enlistments up to the authorized strength of twenty-five thousand, vote appropriations for the maximum number, and include a provision specifying four cavalry

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<sup>8</sup>Throckmorton was an attorney and ex-land commissioner for the Texas and Pacific railroad. (Woodward, Reunion and Reaction, 101).

regiments for duty along the Texas frontier.<sup>9</sup>

During the debate in Congress no one charged the Díaz government with responsibility for the raids and there were only four references to war including the previously mentioned remarks by Calkins. N.P. Banks of Massachusetts stated that "a state of actual war" existed on the frontier "between American and Mexican forces." However, he opposed pursuit, and urged an increase of troops along the frontier to prevent a war. Thomas T. Crittenden of Missouri believed the army should not exceed fifteen thousand and, exasperated by the Texas complaints, stated: "we can never satisfy her [Texas], never!" If the reports were true, Crittenden, facetiously exclaimed, the United States should declare war on Mexico and end the controversy.<sup>10</sup>

Representative Giddings denied the accusations that Texas desired war or territory. He stated that Texas "especially" did not want the Mexican people. To emphasize his opposition to annexation, Giddings stated: "The only way the territory could be available would be by killing

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<sup>9</sup>Cong. Record, 45th, 1st, VI, 296-298, 301, 322-323, 325-326.

<sup>10</sup>Ibid., 301.

off the people."<sup>11</sup> The aversion was shared by other representatives. William Phillips of Kansas, acidly castigated the Mexican border population:

Sir, the population of Mexico on that frontier is so debased that nothing but power can keep it in subjection or secure safety to our borders. In it we find a people who have not been and cannot be kept in subjection by the government of Mexico, weakened by political dissensions and paralyzed by imbecility. A population of mixed Indian and Spanish blood, a mixture which seems to have debased the original elements, it has neither the nobility of the Castilian nor the simple vices of both and none of the virtues of either; a set of men who gamble for an occupation, wear gaberdines, their uniforms being a sombrero, a blanket, and a pair of spurs; who eat red-pepper pies and dark-complected bread; who are one day in the army, the next day robbers . . . , the next pronunciadores (for a Mexican borderer when he wishes to steal . . . pronounced for God and Liberty). A set of men who curse the very soil on which they tread; a body of people so debased and loathsome that when they lie down to die, on the prairie even, the coyotes will not eat them.<sup>12</sup>

The seriousness of the border situation was questioned by Auburn Pridemore of Virginia and John D. Atkins of Tennessee. If the matter were as serious as alleged, Pridemore questioned why Hayes did not mention it in his message on October 15, or inform Congress that Texas was "in a state of war" and needed aid. Furthermore, Pridemore wondered why the Governor of Texas did not demand Federal action. Atkins pointed out that Sherman,

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<sup>11</sup>Ibid., 322-323. Laughter greeted the remarks by Giddings.

<sup>12</sup>Ibid., 325.

when he appeared before the Committee on Military Affairs, did not request, or mention the need for more troops along the Rio Grande frontier.<sup>13</sup>

In the Senate, Samuel B. Maxey of Texas, on November 8, introduced a resolution requesting the President to inform the Senate what action "if any" was taken "to secure the arrest and delivery" of the Rio Grande City escapees and jail-breakers. The resolution passed and, on November 14, Hayes transmitted to the Senate a report by Evarts stating that the requested information was forwarded to the House on November 12.<sup>14</sup> On November 12, Maxey introduced a resolution authorizing a study of the "expediency and propriety of a system of defensive works on the Rio Grande." The proposal was referred to the Committee on Military Affairs.<sup>15</sup>

The day before the Senate began consideration of the appropriations bill, Maxey delivered a lengthy speech on the border situation. Answering the charges that Texas exaggerated the raids and sought war, Maxey traced the history of the border depredations. He asserted that there was "not

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<sup>13</sup>Ibid., 297-298.

<sup>14</sup>Richardson, Messages and Papers, VII.

<sup>15</sup>Cong. Record, 45th, 1st, VI, 246-247, 284, 388.

one sintilla of proof" that Texans ever raided into Mexico. The "long years" of depredations suffered by Texas, according to Maxey, were "unredressed." The Rio Grande City raid was only the latest. He did not hold Díaz responsible for the raid or the failure to deliver the offenders, in fact he commended Díaz for removing Cortina and ordering the return of the Rio Grande City offenders. He stated the border conditions "generally improved" while Canales "was disposed to respect the orders of President Diaz." However, Maxey reported, "no man could hold office" in northern Mexico if he obeyed the order to deliver the escapees and jailbreakers. He claimed the "feeling against Diaz" for issuing the delivery order "was at white heat." The Zona Libre was blamed, in part, by Maxey for the border difficulties. Although commending Díaz, Maxey believed his lack of "lawful power" and the activities of Lerdo, "the lawful President of Mexico," inhibited his efforts to effect a change on the frontier. In conclusion Maxey claimed the "only thing a Mexican fears is physical power manifested."

However, Maxey labeled as a "ridiculous absurdity" the charge that Texas desired a war. Senator Richard Coke of Texas indicated that his state wanted not war; but peace, commerce, and development. He reiterated the views expressed

by Maxey. Coke more directly absolved Díaz when he stated: "The national Mexican government seems disposed to deal justly and do right. If the orders of the national Mexican government were obeyed upon the Rio Grande frontier, we should have no trouble; but they are disobeyed."<sup>16</sup>

The amendment by Schleicher, designating four cavalry regiments for border duty, was eliminated by the Senate Committee on Appropriations. Chairman William Windom of Minnesota, James B. Beck of Kentucky, and Roscoe Conkling of New York objected to the infringement on the President's power, as commander in chief, to determine troop deployment. Otherwise, Mexico was not mentioned in the Senate consideration of the appropriations bill. The Senate version of the bill was reported to the House on November 17. The House accepted, by a vote of 134 to 129, the Senate amendment permitting enlistments to fill the ranks of the army up to twenty-five thousand. The Senate deletion of Schleicher's proposal for deployment of regiments on the border was accepted by the House.<sup>17</sup> The appropriations bill was signed

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<sup>16</sup>Ibid., 388-396.

<sup>17</sup>Ibid., 415-416, 421, 423, 513-514. The votes of the Texas delegation were necessary to secure authorization and appropriations for the army of twenty-five thousand requested by Hayes. However, Reagan voted against the

on November 19.<sup>18</sup>

Although recognition was not mentioned and the Mexican policy of the Hayes administration was not directly criticized, the special session proved encouraging to the Díaz government. An investigation of Mexican-United States relations was underway. Furthermore, the fears, real and feigned, in Mexico of a United States desire for war and annexation seemed unjustified.<sup>19</sup> The Texas delegation supported a more vigorous

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twenty-five thousand amendment and the Texas representatives in the debate acknowledged their inability to persuade Hayes to order additional troops to the Rio Grande frontier. Furthermore, the Texas congressmen and Gibson of Louisiana voted for Samuel J. Randall of Pennsylvania over James Garfield for Speaker. (Cong. Record, 45th, 1st, VI, 53). Therefore, it seems unlikely the Mexican policy of the Hayes administration was influenced by the desire to obtain the support of the Texas delegation in Congress. However, the Texas representatives claimed the army owed "them a debt of gratitude for saving the army bill." Sherman agreed and feared that unless they were reconciled before the next session "we [the army] will be slaughtered." (Sherman to Sheridan, November 29, 1877, cited in Gregg, The Influence of Border Troubles, 34).

<sup>18</sup>Ibid., 560.

<sup>19</sup>W.M. Dickson, a Cincinnati journalist and close associate of Hayes, expressed some concern over the possibility of war but not because of the attitude of Hayes. On November 4, 1877, he urged the President not to ["] let "Little" Evarts get us in war with Mexico.["] (Dickson to Hayes, November 4, 1877. Hayes Papers).

Guy Bryan warned Hayes "efforts will be made to drag you into a war with Mexico." He urged the President to "avoid it if you can." Speaking for Texas, Bryan stated "we want no more territory and semi-barbarians now. We have enough of both." (Bryan to Hayes, October 26, 1877. Hayes Papers).

border policy than the Hayes administration but they did not charge the Díaz government with responsibility for the border situation, and denied any desire for war or territory.

The only indications of economic considerations or interests in Mexican relations, other than the joint resolution sponsored by Gibson and Maxey, was a joint resolution introduced by Representative W.C. Whitthorne of Columbus, Tennessee. On November 5, Whitthorne proposed a measure to authorize negotiation of a treaty with Mexico "to secure protection to capital and labor . . . invested and employed in opening railway communications in the northern states" of Mexico. The resolution was referred to the Committee on Foreign Affairs.<sup>20</sup>

Although initiating no congressional action, Senator Stanley Mathews of Ohio, a close associate of the President, was among those seeking commercial expansion with Mexico. He forwarded letters to Hayes from General W.S. Rosecrans. The retired General urged the Hayes administration to secure the "good will and popularity of the Diaz government" and reject the "unprincipled treacherous anti-American" Lerdo. Rosecrans argued that the United States needed Mexican trade. He urged "prudent generosity and openly avowed good will,"

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<sup>20</sup>Cong. Record, 45th, 1st, VI, 239.

a reciprocity treaty, encouragement and aid to railroad construction in Mexico, and completion of the Texas and Pacific transcontinental railroad. However, fearing the existing "trivial" differences would lead to war, Rosecrans stated that such an eventuality would "be not only a blunder but a crime against humanity."<sup>21</sup>

Perhaps, the most belicose comments on United States-Mexican relations during November, 1877, were by Foster. On November 13, Foster suggested the possibility of "occupying Mexican ports to enforce and collect claims" if the Díaz government remained "obstinate in rejecting just demands." As a precedent for such action, he cited the Wyke-Doblado treaty of 1863, and Anglo-Mexican debt convention which was never ratified.<sup>22</sup>

The Díaz government, according to Foster, was becoming "quite impatient" over the delay of recognition. Mata arrived in Mexico City on November 12 and, reportedly, was

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<sup>21</sup>Rosecrans to Stanley Mathews, July 13 and October 19, 1877. Hayes Papers. Both letters were forwarded to Hayes. Mathews supported the federal subsidy for the Texas and Pacific railroad. (Woodward, Reunion and Reaction, 99, 256).

<sup>22</sup>Foster to Evarts, November 13, 1877 (personal). Mexican Despatches. The State Department apparently did not share Foster's concern. On his previous despatch, Hunter noted that effective presentation of claims could only come after recognition. [Foster to Evarts, November 14, 1877. Mexican Instructions].

convinced that the United States was "not sincerely seeking an adjustment" of relations. Foster believed the return of Mata would increase the popular and official "restiveness and bitterness" resulting from the failure to receive recognition. In an attempt to remove the supposed "woeful ignorance of the Mexican question" in the United States, Manuel Zamacona, accompanied by an Anglo-Mexican, William Pritchard, on November 13, left Mexico City enroute to Washington. He had instructions to present the position of the Díaz government to the New York press. Before departing, Zamacona assured Foster that the two thousand troops recently ordered to the border were sent "purely for the purpose of enforcing order and to repress raids."<sup>23</sup>

Prior to his departure, Zamacona met with Foster on several occasions. He urged the American minister to confer with Díaz. Foster declined unless Díaz initiated the renewal of conversations, since he desired to avoid any affront to Vallarta. If Zamacona could persuade Vallarta "to rise above the popular prejudice entertained in Mexico against

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<sup>23</sup>Foster to Evarts, November 13 (personal) and November 13 (unofficial), 1877. Mexican Despatches. As of November 12, according to the Diario Oficial, there were 4,792 Mexican troops on the frontier and 2,000 more were "under marching orders." [Foster to Evarts, November 14, 1877. Mexican Instructions].

the administration of President Hayes," Foster agreed to renew the discussions. However, he required assurances that the meeting would offer a "reasonable probability" that his propositions "would be favorably received and acted upon."

On the day he was to leave Mexico, Zamacona promised Foster that he would approach Vallarta in the afternoon and arrange a meeting. In the evening, just prior to boarding the train for Veracruz, Zamacona informed Foster that the meeting was arranged. However, Vallarta did not contact Foster.

A few days later, Mata, during a social visit with Foster and his family, promised to approach Vallarta and, if the Mexican minister were responsive, invite him to a social affair at Mata's home, which Foster was to attend, on November 22. At the party, Vallarta informed Foster that he received a telegram from the Mexican Legation in Washington which stated that Seward "had indicated a disposition to recognize the government, if General Diaz would at once send a sufficient Federal force to the Rio Grande." In reply, Foster welcomed the information that troops were ordered to the frontier, but thought there was a misinterpretation of Seward's remarks. Foster understood adjustment of

the matter of reciprocal crossing and the other questions listed was required before recognition. Mata offered the opinion that Mexico should agree to reciprocal crossing. However, Vallarta wanted a satisfactory explanation of the Shafter raids.<sup>24</sup>

On November 13, the Diario published the November 1 report of the Senate Committee of Foreign Affairs' secret investigation of United States-Mexican relations. The Mata mission was approved. Foster denied the United States had ever attempted to judge the legitimacy of the Díaz government or demanded any conditions "incompatible with the decorum and laws" of Mexico. He rejected the Senate's assertion that recognition was obligatory.<sup>25</sup>

Foster, on November 17, informed Seward that Vallarta seemed resolved to offer no concessions. Therefore, Foster inquired if it were "desirable" for him to "modify" his positions.<sup>26</sup> However, five days later, Foster, while visiting

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<sup>24</sup>Foster to Evarts, November 28, 1877 (confidential). Mexican Despatches.

<sup>25</sup>Foster to Evarts, November 16, 1877 (with Hunter's note). Mexican Despatches. Hunter noted that recognition was discretionary not obligatory and requirement of conditions precedent to recognition was permissible.

<sup>26</sup>Foster to Seward, November 17, 1877 (unofficial). Mexican Despatches.

at the residence of Mata, was informed that Díaz "was disposed to examine and adjust all claims" arising out of the 1876 revolution. In addition, Díaz reportedly, "would be pleased" to receive "definite propositions" from Foster relative to all pending questions. Therefore, on November 23, Foster called at the Mexican foreign office. Vallarta demanded satisfactory explanation of the Shafter raids before negotiation of a frontier treaty. He pointed out that the Díaz government had disavowed the June 11 crossing by Mexican troops. Foster agreed to the condition.

He informed Vallarta that the presentation of definite proposals was for the purpose of ascertaining the willingness and ability of the Díaz government. It was not expected or required, according to Foster, that the Díaz government should sign any treaty or agreement "previous to the renewal of diplomatic relations," since the proposals were presented only to ascertain "whether we could come to an agreement in regard to them."

The propositions incorporated most of the provisions of the draft treaty presented by Mata and modified some of the earlier proposals submitted by Foster. The two most significant changes were, absolute rather than conditional reciprocal crossing and a "simple agreement" signed by

Foster and Vallarta on forced loans. Vallarta agreed to submit the memorandum to Díaz and the cabinet.

On November 27, Vallarta informed Foster that Díaz would not accept any written agreement on forced loans<sup>27</sup> or consent to reciprocal crossing. According to Vallarta, the Shafter crossing, the "arrogant demands and hostile attitude of the Governor of Texas, [extradition demands], and the bitter feeling engendered thereby on the frontier and throughout the whole of Mexico" ended the earlier disposition to consider the proposals, prior to reparation and recognition. Díaz, reportedly, considered it humiliating and unbecoming to "the dignity and honor of Mexico, to take into consideration any international question . . . or consent to any condition precedent to or as the price of recognition," since international law and past United States policy "entitled" his government to recognition.

Foster reiterated the United States position that his government did not expect any signed agreements prior to recognition, but only "to ascertain how far the government

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<sup>27</sup>Foster to Evarts, November 28, 1877 (confidential). Mexican Despatches. Foster concluded that the cabinet "decided to assume a more hostile and independent attitude, and overruled Mr. Vallarta's quasi-agreement . . . on the subject of forced loans."

of General Diaz was willing and would be able to go in meeting the views of my government on the various existing questions." If "reconciliation" on the questions "appeared impossible or improbable," recognition would accomplish nothing. Therefore, Foster argued that until the Díaz government "made some satisfactory manifestations in these matters, it ought not to expect recognition, much less demand it as a right." Vallarta replied that the recent incidents on the frontier, when considered with "the peculiar characteristics of the Mexican people, would not allow its government to make any agreements that could be construed into conditions or purchase of recognition," rendered the discussions useless.<sup>28</sup>

Although unable to obtain satisfactory assurances, Foster's report clearly indicated the role, real or feigned, of Mexican nationalism in the posture of the Díaz government. The Lerdo threat was no longer significant,<sup>29</sup> but the bitterness on the frontier and throughout Mexico precluded

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<sup>28</sup>Foster to Evarts, November 28, 1877. Mexican Despatches. Enclosed are the memorandums Foster submitted to Vallarta.

<sup>29</sup>Foster to Seward, November 17, 1877 (unofficial). Mexican Despatches. On November 10, 1877, General Naranjo, from Monterrey, reported to the Secretary of War, that the Lerdista threat in the north was no longer significant and, therefore, no additional troops were needed.

assurances, or was utilized to justify the refusal to offer assurances, or both, by the Díaz government. While the November 23 conversations seemingly were fruitless, the position of both nations was clarified. Foster, feeling he was to exercise discretion as to details, requested instructions and reported that the delay increased the possibility of conflict. However, he thought Díaz would have to accept the blame if a conflict developed.<sup>30</sup>

Before despatching the detailed reports on the latest attempt at agreement, Foster telegraphed the essential results. He reported Díaz, although ordering two thousand troops to Matamoras, "assumed more hostile attitude" and demanded unconditional recognition.<sup>31</sup> Possibly as a compliment to the Zamacona mission, the Mexican press urged an alliance of Spanish-American nations against the United States. Díaz initiated the press comments by proposing a law to authorize a Mexican mission to the South American nations. In an accompanying memorandum, Vallarta cited the precedent of the Panama Congress during the independence period and the Spanish-American response to the French

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<sup>30</sup>Foster to Evarts, November 28, 1877 (confidential). Mexican Despatches.

<sup>31</sup>Foster to Evarts, November 28, 1877 (telegram). Mexican Despatches.

intervention in Mexico. Alluding to Mexican-United States relations, Vallarta stated that in addition to the above mentioned precedents, there were other reasons, "which are perceived with the slightest effort of reflection, and which the Executive need not state."

On December 1, 1877, La Epoca, the "leading unofficial administration" newspaper in Mexico City, editorialized that "the feeble should unite in order to assure the rights of each one, the rights of all." The editorial interpreted Vallarta's remarks to mean the United States issued the order to General Ord in an attempt to provoke war. The order by the Hayes administration, La Epoca charged, delegated "usurped" powers of war to Ord and from Ord to Shafter and from Shafter to Bullis and from Bullis to any negro of Louisiana."<sup>32</sup> On December 12, Foster reported that the Mexican Congress passed the bill authorizing the Hispanic mission.<sup>33</sup>

The uncertainty frequently expressed by Foster, concerning his instructions since May 16, developed into almost

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<sup>32</sup>Foster to Evarts, December 1, 1877. Mexican Despatches. Enclosed is a clipping from the La Epoca containing the editorial and extracts from Vallarta's memorandum.

<sup>33</sup>Foster to Evarts, December 12, 1877. Mexican Despatches.

complete frustration when he received reports of testimony before the House Committee on Military Affairs. The reports that Sherman and McCrary did not consider pursuit into Mexico necessary, perplexed Foster. He understood, on the basis of the August 2 instructions, that Evarts "would not be satisfied with a treaty or settlement . . . without a stipulation for permission to pursue raiders across the boundary." Therefore, if the reports of the testimony were accurate, Foster thought he "misapprehended the position of the State Department" or the Departments of State and War were "not entirely in harmony." The reported testimony gave credence to the rumors in Mexico that Foster "exceeded" his instructions.

Foster offered the opinion that if Evarts were to accept the "views credited to Gen. [sic] Sherman" and postponed the forced loan issue, "there would be no serious obstacle to an agreement." He asserted that the order of June 1 created "hostile feeling and obstructed diplomatic adjustment of our difficulties more than all other events combined." Foster did not conceive how he could continue to maintain his position on the pending questions. He requested instructions to clarify his "embarrassing

position."<sup>34</sup> Two days after receiving the request, Evarts instructed Foster to return to Washington to testify before the House sub-Committee on Foreign Relations.<sup>35</sup>

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<sup>34</sup>Foster to Evarts, December 14, 1877 (unofficial). Mexican Despatches. This was the last despatch received from Foster before he was instructed to return to the United States.

<sup>35</sup>Evarts to Foster, December 31, 1877. Mexican Despatches.

Before receiving the December 31 instructions from Evarts, Foster reported his "great pleasure" with the President's annual message to Congress. He believed the remarks on Mexican relations were "temperate and judicious." A favorable reaction was anticipated by Foster, since the Mexicans feared "a more severe treatment of the matter. [Foster to Hayes, December 24, 1877 (personal). Hayes Papers.]

In the December 3 message, Hayes, acknowledged that the "custom of the United States" was to recognize de facto governments in Mexico "as soon as" it appeared the people approved the change and the government manifested "a disposition to adhere to the obligations of treaties and international friendship." In the case of Porfirio Díaz, Hayes stated, United States "recognition has been deferred by the occurrences on the Rio Grande border." He "earnestly" hoped the "assurances" received, that the Díaz government possessed "the disposition and the power to prevent and punish . . . unlawful invasions and depredations," were "well founded."

Hayes expressed gratification that the "temporary interruption of official relations" did not prevent "due attention by the representatives of the United States in Mexico in the protection of American citizens, so far as practicable," or interfere with "prompt payment" of the first installment of the claims award. He did not "anticipate an interruption of friendly relations with Mexico," but he looked "with some solicitude upon a continuance of border disorders as exposing the two countries to initiations of popular feeling and mischances of action which are naturally unfavorable to complete amity." In conclusion Hayes,

The testimony, on Mexican Relations, before the House sub-Committee of Foreign Affairs, began on December 7. General Ord was the first witness. He testified that the order of June 1 was sufficient and urged Congress to endorse the policy. Although "recently" encountering "serious objection" to the order in Coahuila, Ord claimed "an understanding on both sides" permitted reciprocal crossing along the border of Chihuahua. In response to a query from Schleicher, the chairman of the committee, Ord agreed that the "worst time of these raids" was during the time the United States recognized Lerdo. The removal of Cortina and other action taken by the Díaz government, indicated to Ord that Díaz was "apparently a more determined man than any President of Mexico . . . for a long time." Furthermore, Ord expressed the opinion that United States recognition "would undoubtedly" have a beneficial effect since "anything which would promote quiet and stability in Mexico would have its influence on the frontier." Schleicher, probably having in mind the congressional critics of the Mexican policy of the Hayes

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although "firmly determined" to do all he could "to promote a good understanding" with Mexico, requested Congress give its attention "to the actual occurrences on the border, that the lives and property of our citizens may be adequately protected and peace preserved." (Richardson, Messages and Papers, VII, 468.)

administration, asked Ord if a congressional censure of the June 1 order would lessen the chances of negotiating a border treaty with Mexico. Ord answered that it would and, in addition, "would tend more to bring on war than if the execution of the order were continued."<sup>36</sup>

The second witness, Thomas L. Kane of Pennsylvania, thought the lawless citizens of both nations were responsible for the raids. He favored withdrawal of the order of June 1, but agreed with Ord that congressional censure would hamper the efforts to conclude a treaty with Mexico. Kane supported recognition of the Díaz government.<sup>37</sup>

On December 27, 1877, Schleicher met with Evarts to discuss recognition of the Díaz government. Evarts asked the Texas congressman "if he did not think Mexico had done all that could be expected of her in relation to the border troubles."

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<sup>36</sup>House Report 701, 1-15.

The same day Ord testified, he met with Evarts and stated his belief that the order of June 1 was the only way to pressure Díaz to take action against the marauders. During the conversation, Ord discounted the reports of troop movements in Mexico. Díaz had "several times announced such movements without their finally amounting to much," and Ord thought the droughts would hamper any effort to maintain a large cavalry force on the frontier. [Evarts Journal, 148. Evarts Papers].

<sup>37</sup>Ibid., 17-21. In reply to a question as to whether he supported the Texas Pacific railroad, Kane stated he favored two southern trans-continental railroads.

Schleicher agreed except on extradition. In reply, Evarts stated that the United States would never accept the proposed extradition treaty. Nevertheless, Schleicher "seemed to favor further delay in recognizing the Diaz government." He was preparing a report to Congress on the Mexican troubles and suggested "it would be of advantage that Mr. Foster should be summoned to appear before the Committee on Foreign Affairs" to present "his views." Evarts agreed to present the suggestion at the next cabinet meeting.<sup>38</sup> Four days later, Evarts instructed Foster to visit Washington for the purpose of appearing before the House sub-Committee. During the leave of absence, Foster was directed to "strictly" limit his "communications whether oral or written upon the relations of this country with Mexico to this Department and the Committee."<sup>39</sup>

On January 11, 1878, Schleicher resumed the hearing on Mexican relations. Shafter testified that on the basis of his ten years experience on the border he was convinced that the Mexican authorities could control the Lipan Indians and end the raids in twenty days if they would. And "if it was

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<sup>38</sup>Evarts Journal, 156. Evarts Papers.

<sup>39</sup>Evarts to Foster, December 31, 1877. Mexican Instructions.

the alternative of that or war," Shafter thought "they would do so."<sup>40</sup> William Schuchardt, the United States commercial agent at Piedras-Negras, disagreed with Shafter. He did not believe the Díaz government could enforce its orders on the frontier. Displaying his pro-Lerdist sympathies, Schuchardt claimed the central government under Lerdo was able to command obedience along the border. He alleged that the Porfiristas, in an attempt to attract support along the border, during the revolution promised to extend the Zona Libre to Piedras Negras.<sup>41</sup>

John B. Jones, the commander of six companies of Texas frontier defense troops, Colonel Price, J.G. Tucker, a Brownsville contractor, Thomas F. Wilson, the Matamoras consul, John S. Ford, state senator from Brownsville, and William H. Russell, the city attorney of Brownsville, all testified that the Díaz government could not exercise its authority along the border without additional federal troops. Russell was the only one who did not endorse the order of June 1. He was not opposed to the order but did not consider it sufficient to solve the problem. Railroads and emigration, according to

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<sup>40</sup>House Report 701, 22-26.

<sup>41</sup>Ibid., 35-37.

Russell, offered the best solution and the next best was a protectorate over Mexico. Price and Wilson did not believe recognition would improve the situation. Ford thought recognition would strengthen and add stability to the Díaz government. However, he stated that, if Díaz ordered additional troops to the frontier it would renew the accusations that Díaz was a puppet of the United States and result in his overthrow.<sup>42</sup>

Meanwhile, the Mexican congress adjourned on December 15. The legislators approved mail subsidies for steamship service from New York and New Orleans to Mexico. The railroad contracts, from Mexico City to the Rio Grande and from Guaymas to the Arizona border, submitted by Díaz were rejected.<sup>43</sup> On December 25, the Díaz government despatched the necessary silver for the second claims payment to Veracruz for shipment to New York.<sup>44</sup> During the last two weeks

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<sup>42</sup>Ibid., 53, 58-59, 62, 66, 69-71, 142, 147, 152-153. Other witnesses, during January and the first week of February, included H.S. Rock, Brownsville deputy inspector of hides and animals, Lieutenant Bullis, and William Steele, Adjutant General of Texas.

<sup>43</sup>Foster to Evarts, December 17, 1877 (Nos. 645 and 646). Mexican Despatches. The Mexican Congress was to reconvene on April 1, 1878.

<sup>44</sup>Foster to Evarts, December 24, 1877. Mexican Despatches.

of December and the first week of January, Foster continued unofficial relations with the Díaz government, but presented and received complaints, claims, and information without comment. The Díaz government made no attempt to renew the dialogue with Foster or indicate any desire to modify its position.

On January 8, Foster received the instructions to visit Washington. He immediately telegraphed acknowledgment and asked whether he should take the next steamer or await "mail instructions."<sup>45</sup> Before Foster departed, the bitterness in Mexico City was further aroused by a report of another crossing by United States troops. Lieutenant L.F. Ward, on the morning of December 20, after trailing suspected horse thieves for five days, reached the Rio Grande. After explaining his mission and showing a Mexican official the trail, Ward was invited to cross into Mexico. The Anglo-Mexican pursuit force lost the trail about six or eight miles south of the border. The report by Ord on December 25,

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<sup>45</sup>Foster to Seward, January 8, 1877 (telegram). Mexican Despatches. Apparently the State Department telegraphed instructions to Foster, since the December 31 despatch was not received by Foster until January 17. [Foster to Evarts, January 17 (No. 663), 1878. Mexican Despatches].

was denounced by Vallarta on January 12. And two days later, Ogazón, in orders to Treviño, reaffirmed the determination of the Díaz government to effect "strict fulfillment" of the June 18 order. Trevino was ordered to investigate the incident. The Diario, in a January 16 editorial, reported that Díaz was "resolved to make a severe example of the officer" who cooperated with Ward.

The following morning, Foster received a copy of Ord's report and instructions to express United States gratification for the cooperation extended to Ward. Foster thought it "useless and inopportune" in view of the bitter reaction in Mexico, to meet with Vallarta. But later in the day, Foster conveyed the information to Vallarta and expressed regret that the two governments differed in their interpretation of the incident. Vallarta replied that the Mexican officer violated the June 18 order and the "clamor" of the press necessitated a response by the Díaz government.<sup>46</sup>

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<sup>46</sup>Foster to Evarts, January 17, 1878 (No. 662). Mexican Despatches. Enclosed is a copy, with translation, of the Diario article of January 16. When he conferred with Vallarta, Foster informed the Mexican minister of his upcoming visit to the United States. The January 17 despatch arrived in Washington on February 1, the day of Foster's arrival.

On January 18, 1878, Foster informed Evarts of his plans to leave Mexico City the next day for Washington.<sup>47</sup> However, he did not depart for Veracruz until the night of January 20. Foster disembarked at Veracruz on January 23 for New Orleans.<sup>48</sup>

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<sup>47</sup>Foster to Evarts, January 18, 1878 (telegram). Mexican Despatches.

<sup>48</sup>Foster to Evarts, January 20, 1878; Richardson to Evarts, January 21, 1878. Mexican Despatches.

## CHAPTER IX

### CONCLUSIONS

#### Explanation and Recognition

When Foster arrived in Washington, on February 1, he immediately reported to Evarts and presented a detailed evaluation of the Mexican political situation. Despite the revolutionary origin of the Díaz government, Foster did not believe that the Lerdists, or any other group, was "strong enough to attack it." He thought Díaz had "made a good, honest, industrious administration" and would serve his full term. The United States policy, according to Foster, "tended to unite the country for Diaz." However, Foster reported the Porfiristas were "all afraid of public opinion" and subjected to constant attack by the Lerdista press.

Evarts asked what the Díaz government could do "in the way of treaty stipulations" that would "have a practical effect, without introducing the U.S. into the care of their border?" Foster replied that the Porfirist government "would probably allow crossing only in the case of Indians." He

considered this sufficient, since the Indians were "the only question for several years, so far as raids" were concerned, "except in the late isolated case of the attacks on the Rio Grande jail." The offenders responsible for "nearly all the harm," according to Foster, were the estimated three hundred Kickapoo and Seminole braves that crossed into Mexico during the Civil War, plus a few Mexican Indians. He thought the Mexican government "would perhaps" permit those who so desired to return to the United States. While the Díaz government "might" allow United States commissioners "to enter Mexico for the purpose of effecting such return," Foster doubted that it would compel the Indians to return. Since Mexico "suffered as much from depredations of United States Indians into Sonora from Arizona as Texas has from Mexican Indians, and has lost more lives, although probably not as much property," Foster believed the Díaz government "might agree to a reciprocal crossing in pursuit of Indians in unpopulated regions."

Except for commercial reciprocity which was "not now practicable," Foster believed the other questions could "undoubtedly receive treaty agreement." He considered the time opportune to resolve the forced loan question. In conclusion, Foster suggested withdrawal of the Ord order because it

"stood very much in the way of negotiations."<sup>1</sup>

The February 1 conference between Evarts and Foster prepared both for interviews, at the State Department, with the House sub-Committee on Foreign Affairs.<sup>2</sup> Foster was the first to report, on Saturday, February 9, 1878. He briefly traced the political developments in Mexico since 1872 and United States policy during 1877. He explained his decision, based on the discretionary authority granted by Fish, to delay recognition as a precautionary step to await the establishment of constitutional order. He did not mention that his request for discretionary authority and his decision to postpone recognition were initially designed to provide time to discuss outstanding problems.

After the inauguration of Hayes, Foster related, he requested new instructions. Foster characterized the May 16 instructions issued by Seward, demanding assurances and guarantees, as a restatement of the earlier United States position. He did not mention his uncertainty concerning what

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<sup>1</sup>Evarts Journal, 177. Evarts Papers. During the conversation with Evarts, Foster recommended an agreement to protect trademarks and a postal treaty by which the United States would provide a one hundred and fifty thousand dollar annual subsidy for steamship communication.

<sup>2</sup>House report 701 does not include the reports by Evarts and Foster. Transcripts of the interviews are enclosed in Mexican Instructions (No. 459), Evarts to Foster, March 26, 1878.

was desired by the State Department or his opposition to the delay of recognition. The refusal of the Díaz government to accede to conditions prior to recognition, according to Foster, represented "the popular sentiment of the country."

Although the Mexicans were apprehensive concerning Foster's anticipated testimony,<sup>3</sup> the minister's report was favorable to Díaz. He thought Díaz was "desirous of preserving good relations" and looked with "disfavor" on the "raids and the turbulent condition of affairs." According to Foster, no "adequate or efficient measures" were adopted by the Mexican government for suppression of the raids for various reasons. These reasons included: the revolutionary and lawless characteristics of the frontier population; desertions among federal troops sent to the frontier; the expense of maintaining a large border force; Lerdist, who would capitalize on any detectable cooperation with the "Yankee"; and the need for troops in other areas.

However, Foster believed Díaz expended "more energy in the direction of preserving order on the frontier than the Mexican government has ever done at any time before." Other

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<sup>3</sup>Richardson to Evarts, March 14, 1878. Mexican Despatches. Richardson reported an atmosphere of expectant impatience in Mexico.

than the border difficulties, peace prevailed in Mexico, constitutional government was restored, and Foster did not anticipate any serious threat to the Díaz government, for at least a year. As for "settlement of the various questions," Foster stated that Zamacona believed recognition would remove "all barriers" to agreement. However, Foster refused to suggest what policy he believed the United States should adopt.

On February 16, 1878, Foster concluded his report to the House sub-Committee. Referring to the arrest of Escobedo, he stated the United States' strict enforcement of the neutrality laws "greatly" discouraged the Lerdists. In reply to a query of Schleicher, Foster stated it was "unquestionably true" that the United States enforced the neutrality laws more vigorously against the Lerdists in 1877 than against the Porfiristas in 1876.

The effects of the Hayes policy on commercial relations with Mexico were negligible, according to Foster.<sup>4</sup> He considered the "insecurity to property and capital," lack of railroads and capital, and the unreliability of governments pledges, the real obstacles to commercial expansion. The only progress

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<sup>4</sup>House Report 701 agreed with Foster. It stated: "It is a popular error that the question . . . recognition . . . has stood in the way of the extension of our commercial relations. We have shown that it has not an essential connection with commerce."

discerned by Foster was the subsidy voted by the Díaz government to four steamship lines. He repeated his earlier suggestion to Evarts that the United States adopt a similar subsidy program. Although "confidentially" favoring a reciprocity treaty, Foster foresaw no prospects for such an agreement because the United States could not offer benefits equal to those received.

Foster agreed with the contention that the United States did not possess the right to intervene in Mexican affairs or judge the legitimacy of governments. He viewed the policy of the Hayes administration as an attempt "to satisfy ourselves that the government has the ability and disposition" and stability "to discharge its international duties and afford protection to our people." In answer to the question: "Is it your opinion that we have now reached a point where we might recognize without disadvantage to this country," Foster replied that his function was to provide information and execute policy not advise or formulate policy. But he offered the opinion that there was a "good deal of irritation and disappointment in Mexico" over the delay of recognition. The Mexican people, unanimously and openly, and the government officials, silently, according to Foster, attributed the delay to manifest destiny sentiment in the

United States. He hoped the sub-Committee would avoid the impression of antagonism towards the Hayes' policy since the Mexicans welcomed the congressional investigation. Foster believed "a failure to act harmoniously" with the President would "give encouragement in Mexico to that feeling of hostility to our administration, which is unfounded." Therefore, Foster strongly opposed a congressional resolution directing the Hayes administration to extend recognition, which the Mexican people would interpret to mean congressional condemnation of United States policy.

The testimony by Evarts provided the best explanation of the United States recognition policy towards the Díaz government and placed the negotiations and discussions of 1877 in their proper perspective. Representative Swann asked Evarts whether the United States could extend recognition without disadvantage to the United States. In reply, Evarts stated:

The general notion of recognition undoubtedly has been this - that when a government has shown a reasonably guaranteed possession of the power of a nation it was to be recognized - There has been an alacrity on our part, sometimes complained of as an undue haste, to recognize a free government that takes the place of a monarchical government. Now in Mexico we do not have that latter situation - Our interest is for free government. That once established, it should show its stability and its strength, and the trouble in Mexico is that reproach is brought upon free government by

the ease and frequency of their revolutionary changes. I cannot therefore think that it is the good part of a republic like ours to encourage by the rapidity of our recognition the rapidity of their changes.

Evarts considered the policy successful, since it resulted in "more actual stability thus far and more hope of stability to Diaz than if recognition had been made, and produced more actual and serious efforts on the part of Mexico to practically discharge its duties to this country on the frontier." The postponement of recognition and the Ord order, Evarts claimed, enabled the Díaz government to appeal for an end to partisanship, thereby, strengthening its position.

After considering all of the factors, Evarts concluded that Mexico under Díaz displayed "a considerable disposition to discharge its duties as a border state." The problem, according to Evarts, was the lack of the necessary power by Mexican governments to fulfill international duties. And he did not believe the "formalities of negotiation" could provide a solution. According to Evarts, national pride and dignity were not acceptable excuses for the lack of power and responsibility necessary for honoring international obligations.

The trouble with Mexico is that she has not the power to perform her obligations. Her people are of a volatile temperament and when it comes to the execution of obligations it is small and feeble. There has

consequently been a desire on our part to have at least an understanding in advance of recognition. That may have to be abandoned and then we shall have to confront the matter by saying to the Mexicans. Your government is recognized you have given the evidence that we required and we have finally acceded to your point that until recognition we could not expect free negotiation now we want that free negotiation.

Evarts proposed to inform Mexico that if no "pretty honest and straight forward arrangements about the border" resulted, then how could the United States "avoid breaking diplomatic relations."

After the congressional investigations, Evarts thought, the President would decide "whether negotiations shall take place before or after recognition," and "decide very promptly whether we shall adopt the plan of recognition and then a pretty earnest demand for satisfactory assurances or whether we shall . . . require some understanding about treaty stipulations before recognition."

He denied that he had ever, even "for a moment," "considered a war with Mexico as . . . within the range of possibility." Although anticipating "bluster" from Mexico, he "never thought" Mexico "would really think that it was worth her while to have a war" with the United States.<sup>5</sup>

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<sup>5</sup>Evarts to Foster, March 26, 1878. Mexican Instructions. Transcripts of the interviews were sent to Foster on March 26 with Instructions No. 459, but are located between Mexican Despatches No. 672 and No. 673.

After testifying, Evarts waited for the sub-Committee to conclude its hearings. Several individuals were recalled and on March 9 the hearing ended.<sup>6</sup> On March 12, President Hayes concluded that the Mexican policy had been "vigorous and successful."<sup>7</sup> Evarts, on March 23, instructed Foster to return to Mexico City and upon his arrival extend formal recognition. In the instructions to Foster, Evarts offered further explanation of the recognition question. He explained that the Hayes administration delayed recognition "to be assured" that the Díaz government "was approved by the Mexican people and was possessed of due stability and animated by a disposition to comply with the rules of international comity and the obligations of treaties." Evarts acknowledged that information received from Mexico indicated the authority of Díaz continued "to be recognized practically throughout the entire republic." The "increased desire" of the Díaz government to pacify the border and the "prompt payment of two successive installments" of the claims award were "accepted" by Evarts "as substantial evidence of a disposition to observe treaty stipulations."<sup>8</sup>

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<sup>6</sup>House Report 701, 164-172.

<sup>7</sup>Williams, ed., Diary of a President, 127.

<sup>8</sup>Evarts to Foster, March 23, 1878. Mexican Instructions.

On April 1, the day Foster left Washington, the Mexican Congress reconvened. In his address to the opening session, Díaz made only a brief reference to Mexican-United States relations stating that "the pending questions, of which Congress is already informed have not been settled." At this point, Francisco Sada, vice-president of the Chamber of Deputies, interrupted Díaz and expressed regret that recognition was not received. However, he praised the conduct of the Díaz government regarding the question of recognition and expressed his hope for a satisfactory solution.<sup>9</sup>

Foster arrived in Mexico City on April 8, 1878. The following day he formally recognized the Díaz government,<sup>10</sup> thereby terminating the first significant deviation from traditional United States recognition policy.

Although the Hayes administration formulated the policy which produced the first significant deviation from the traditional de facto recognition policy, the Grant administration provided the opportunity for aberration when Secretary Fish approved Foster's request for discretionary authority concerning recognition. The request by Foster, and his subsequent

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<sup>9</sup>Richardson to Evarts, April 6, 1878. Mexican Despatches.

<sup>10</sup>Foster telegraphed the following message to Evarts. "The recognition of Diaz was made today according to instructions." (Foster to Evarts, April 9, 1878. Mexican Despatches).

decision to delay recognition, were occasioned by his desire to obtain agreements with the Díaz government on outstanding problems. However, Foster sought precedents for his dilatory tactics and did not anticipate or consider withholding recognition after the inauguration of Díaz as President.

The justification, to await the results of the post-revolutionary elections and the formal assumption of the executive position by Díaz, used by Foster to delay recognition was not without precedent. Earlier, Secretary of State Seward had required formal legalization of revolutionary change before extending recognition. However, Seward's action resulted from the exigencies of civil war.<sup>11</sup> If Foster and Fish had adhered to the traditionally liberal de facto policy, the Díaz government would have received recognition before the inauguration of Hayes.

The response of the Hayes administration to the Díaz government was an unprecedented departure from traditional recognition policy. The policy formulated by the Hayes administration rejected both the constitutional legitimacy urged by Plumb and the traditional liberal de facto position advocated by Foster because neither provided the desired flexibility. This was, perhaps, best expressed by Evarts

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<sup>11</sup>Supra, 19-20.

in his remarks in 1877 concerning Venezuela. He stated:

"Recognition is not an act wholly depending on the constitutionality or completeness of a change of government, but is not infrequently influenced by the needs of the mutual relations between the two countries."<sup>12</sup>

The Hayes administration hoped to use the political weapon of recognition to discourage revolutionary disruption of constitutional government in Mexico<sup>13</sup> and to facilitate solution of problems created or aggravated by the revolutionary changes. No encouragement was given to the Lerdists, the neutrality laws were vigorously enforced against the opponents of the Díaz government, and the Díaz government was acknowledged as the de facto and actual government of Mexico. However, the three customary prerequisites for recognition of de facto

<sup>12</sup>Moore, International Law, I, 151.

<sup>13</sup>This explanation is substantiated by Seward in his memoirs and Evarts in his testimony to the House sub-Committee. The report of the sub-Committee, on April 25, accepting the explanation offered by Evarts, stated: ". . . sympathy with republican institutions, and the desire for their success and permanence, has naturally led to hesitancy in recognizing authorities emanating from a revolution which subverted the established constitutional order, and threatened . . . the existence of republican government in Mexico, and placed in doubt the possibility of maintaining any satisfactory relations with that country." (House Report 701, 38).

governments were applied with an unprecedented strictness.

The May 16, 1877, instructions issued to Foster by Seward outlined the policy of requiring further evidence of popular approval, stability, and ability and willingness to fulfill international obligations. Although emphasizing fulfillment of international obligations, the Hayes administration never specified what was required of the Díaz government. The policy provided the opportunity for unofficial negotiation on outstanding problems and the Hayes administration did not indicate any aversion to using recognition to exact political concessions. However, recognition was not conditioned upon agreements, written or unwritten.

Foster, at first uncertain as to what was desired by the State Department, assumed that written agreements were sought on the problems previously discussed, especially the border difficulties. After receiving Foster's account of his initial discussions, which seemed to offer the possibility of exacting written concessions, Hayes, on July 31, concluded there was no specific reason for continuing to withhold recognition. Therefore, it does not seem probable that the delay of recognition was conditioned upon any particular concession by the Díaz government. On August 2, Evarts authorized

Foster to continue the negotiations but informed him that the purpose of the discussions was to determine the attitude of the Díaz government. It seems unlikely that Evarts would have informed the Mexican government that the United States did not expect agreements, if the delay of recognition was conditioned upon securing agreements.

The Mexican elections in July, 1877, and the cooperative attitude of the Díaz government on the border troubles were well received by the Hayes administration. And in December, 1877, Evarts, after receiving Foster's despatch relating what seemed the fixed Mexican position discerned by the discussions in Mexico City, concluded the Díaz government had done all it could to meet the demands of the United States. However, recognition was delayed until April, 1878, to accommodate the House sub-Committee.

Evarts informed the House sub-Committee that the Hayes administration considered the possibility of conditioning recognition on prior agreements, written or unwritten, by the Díaz government. However, both Hayes and Evarts believed their Mexican policy had successfully demonstrated disapproval of revolutionary interruption of constitutional development and evoked beneficial responses from the Díaz government concerning border troubles. Furthermore, the negotiations in

Mexico City did not offer much chance of success in obtaining prior agreements. Therefore, recognition could be used to facilitate agreement, since the Díaz government cited the absence of official diplomatic relations as the primary obstacle to accommodation. Although the Díaz government, undoubtedly, was attempting to induce recognition by offering the possibility of agreements following recognition, the Ord order remained in effect as the direct response to the border difficulties and a pressure on the Díaz government.

The United States policy of recognition devised in response to the Díaz government provided a precedent for later attempts to use recognition as a weapon against revolutionary disruption of constitutional government. But of equal importance, the Hayes administration, while adhering to the de facto recognition policy in form, added the flexibility necessary to make recognition an effective and relevant political weapon in international relations.

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